

This is a final draft of Solid Waste proposed rule (SW037) Chapters 1-5. Please review and submit comments back to Sharon Parker by 4/27/05.

Key to edits:

- **Green font** is original language that has not changed.
- Single underline is 1st time added language.
- Double underline is language added due to comments or internal review.
- ~~Single strikeout~~ is 1st time deleted language.
- ~~Double strikeout~~ is language deleted due to comments or internal review.

Title 33
ENVIRONMENTAL QUALITY
Part VII. Solid Waste
Subpart 1. Solid Waste Regulations

Chapter 1. General Provisions and Definitions

§101. Scope and Purpose

A. The Louisiana Legislature recognizes that the safety and welfare of state citizens "require efficient and reasonable regulation of solid waste disposal practices as well as a coordinated, statewide resource recovery and management ~~system~~program" (R.S. 30:2152). Therefore, the Department of Environmental Quality has formulated these rules and regulations to:

~~A.~~ 1. establish standards governing the storage, collection, recovery and reuse, and disposal of solid waste;

~~B.~~ 2. implement a management program that will protect the air, groundwater, and surface water, and the environment from pollution from solid wastes and thus eliminate the potential threat to human health from such pollution;

~~C.~~ 3. encourage both citizens and industry to reduce the amount of waste developed and generated in the state; and

~~D.~~ 4. implement the ~~program specified in R.S. 30:2305 et seq. through the Louisiana Resource Recovery and Development Authority (LRRDA) to utilize~~utilization of solid waste for useful purposes whenever practicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2514 (November 2000), amended by the Office of Environmental Assessment, LR 31:**.

§103. Authority

A. The Louisiana Environmental Quality Act (R.S. 30:2001 et seq.) established the enforcement authority and procedures for carrying out the purposes of the act. ~~The Louisiana Resource Recovery and Development Act (R.S. 30:2301 et seq.) created a Resource Recovery and Development Authority which shall be a function and responsibility of the Department of Environmental Quality.~~ These rules and regulations were developed under the authority of the secretary of the Department of Environmental Quality, as mandated by the Louisiana Solid Waste Management and Resource Recovery Law (R.S. 30:2151 et seq.). The Louisiana Solid Waste Operator Certification and Training Program statute (R.S. 37:3151 et seq.) created the Louisiana Solid Waste Operator Certification and Training Program. The principal domicile of the board shall be that of the Department of Environmental Quality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et

seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, LR 31:**.

§105. Repeals

~~Repealed~~ These regulations repeal and replace, in their entirety, all previously promulgated regulations cited as LAC 33:VII.Subpart 1, except that the numbering system of individual sections of permit modifications, permit renewals, and permit applications submitted in accordance with the previously promulgated regulations shall not be affected.

A. ~~These regulations repeal and replace in their entirety all previously promulgated regulations cited as LAC 33:VII.Subpart 1.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), repealed by the Office of Environmental Assessment, LR 31:**.

§107. Effective Date

A. ~~These rules and regulations shall be in full force and effective on February 20, 1993. However, the effective date of these regulations as they apply to existing earthen ditches at industrial establishments and which receive solid waste is August 20, 1993 date for all new submittals, including, but not limited to, new permit applications, permit modifications, and permit renewals except that the numbering system of individual sections of permit modifications, permit renewals, and permit applications submitted prior to the effective date of these regulations shall not be effected. These rules and regulations will not affect those submittals that were received by the department prior to the effective date. Further, these rules and regulations only apply to a modification that was submitted after the effective date, not to the underlying permit that is being modified.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, LR 31:**.

§109. Severability

A. If any provision of these rules and regulations or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act and these regulations that can be given effect without the invalid provision or application, and to this end provisions of these rules and regulations are declared to be severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et

seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993).

§110. Confidentiality (moved from §309)

A. Provisions for confidential information may be found in LAC 33:I.Chapter 5.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 22:344 (May 1996), amended by the Office of Environmental Assessment, LR 31:**.

§111. Review of the Rules and Regulations

These rules and regulations shall be reviewed and revised as follows.

A. Frequency. The department will review these rules and regulations at least once every three years.

B. Criteria. The review criteria will focus on the effectiveness of the rules and regulations in meeting the purposes set forth in LAC 33:VII.101 of these regulations.

C. Revisions. All revisions of the rules and regulations shall be adopted and promulgated in accordance with the Administrative Procedure Act (R.S. 49:950 et seq.) and the Environmental Quality Act (R.S. 30:2001 et seq.).

D. Public Input. Participation by the public and by officials in all levels of government and industry will be solicited in the revision process, as required by LAC 33:VII.111.C.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2514 (November 2000).

§112. Division of Responsibility (moved from §317)

A. The administrative authority is responsible for the following:

1. identifying solid waste processing and disposal facilities;
2. classifying such facilities for "closure" or "upgrade";
3. performing all necessary regulatory operations, including:
 - a. operating the permit system;
 - b. surveillance and monitoring to determine facility compliance; and
 - c. initiating and processing enforcement actions when necessary to meet the purposes of these regulations;

4. soliciting, administering, and distributing federal, state, and other funds; and

5. entering into contracts as necessary to carry out the mandates of the act.

B. Municipalities, parishes, and regional commissions are responsible for the following:

1. ~~planning, siting, and operating necessary pickup and collection systems, including recycling programs, and delivering solid waste to permitted processing or disposal facilities authorized by the Louisiana Resource Recovery and Development Authority;~~
2. ~~planning and operating permitted processing and/or disposal facilities while cooperating with the department, authorized by the Louisiana Resource Recovery and Development Authority, or cooperating with the Louisiana Resource Recovery Development Authority, or other entityies,~~ to implement regional management systems;
3. providing necessary financial support for the regional management systems authorized by the ~~Louisiana Resource Recovery and Development Authority~~ through fees or other means;
4. administering supplementary funds received from federal or state sources through the administrative authority ~~or Louisiana Resource Recovery and Development Authority;~~ and
5. entering into contracts when necessary to provide for maximum efficiency of the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, LR 31:**.

§113. Public Information Service

A. Responses to Suggestions and Complaints. The department will respond to complaints and suggestions and disseminate all pertinent information concerning solid waste. Information will be disseminated by letter or telephone communication in response to direct inquiries and through a departmental bulletin issued periodically that will include lists of permits, enforcement actions, and similar information of general interest, if such a bulletin is available.

B. Public Hearings. A summary of all discussions, presentations, and comments submitted will be prepared after each hearing and made available to all who request it, in accordance with R.S. 44.1, et seq.

C. Mailing List. The department will maintain a mailing list of groups or individuals interested in public hearings and other such activities of the Office of Environmental Services, Permits Division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2514 (November 2000).

§114. Assignment and Reassignment of Responsibilities (moved from §319)

A. Assignment of New Responsibilities. The administrative authority may assign to local authorities new responsibilities required to implement elements of the program not assigned in LAC 33:VII.347112.B.

B. Reassignment of Responsibilities. The administrative authority may reassign responsibilities within the department or to local authorities in LAC 33:VII.347112.B as may be deemed necessary to operate the program more effectively.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2517 (November 2000), amended by the Office of Environmental Assessment, LR 31:**.

§115. Definitions

A. For all purposes of these rules and regulations, the terms defined in this Section shall have the following meanings, unless the context of use clearly indicates otherwise.

100-Year Flood—a flood that has a one percent or greater chance of occurring in any year, or a flood of a magnitude equaled or exceeded once in 100 years on average over a significantly long period.

Access Road—a passageway for vehicles leading from the entrance of a facility to each unit of the facility.

Act—the Louisiana Environmental Quality Act (R.S. 30:2001 et seq.).

Administrative Authority—the secretary of the Department of Environmental Quality or his designee or the appropriate assistant secretary or his designee.

Agricultural Waste—nonhazardous waste resulting from the production and processing of agricultural products, including manures, prunings, and crop residues. Some examples of agricultural wastes are included in LAC 33:VII.3045Chapter 7.Appendix D. This term does not include solid wastes defined as industrial solid waste in this Section.

Air Curtain Destructor—a unit to facilitate combustion above the fire burning in a combustion chamber so that combustion efficiency is increased and smoke and other particulate matter is contained. The unit consists of a combustion chamber and an air blower to force air through ducts (known as canisters) to establish a curtain of high velocity air.

Animal Feed—any crop, such as pasture crops, forage, and grain grown for consumption by animals.

Applicant—any person who intends to be a standard permit-holder for a solid

waste processing and/or disposal facility and who has submitted a permit application to the Department of Environmental Quality.

Aquifer—a formation, group of formations, or part of a formation that contains enough water in the saturated permeable materials to yield a groundwater sample 24 hours after purging a monitoring well~~significant quantities of water to wells or springs.~~

Areal—pertaining to an area, as an areal map.

Areal Map—a geologic map showing the horizontal extent and distribution of geologic units exposed at the surface or subsurface.

Areas Susceptible to Mass Movement—those areas of influence (i.e., areas characterized as having an active or substantial possibility of mass movement) where the movement of earth material at, beneath, or adjacent to the facility, because of natural or man-induced events, results in the downslope transport of soil and rock material by means of gravitational influence. Areas of mass movement include, but are not limited to, landslides, avalanches, debris slides and flows, soil fluctuation, block sliding, and rock fall.

Assessment Well—see *Monitoring Well*.

Assets—all existing and all probable future economic benefits obtained or controlled by a particular entity.

Authority—~~the Louisiana Resource Recovery and Development Authority established by R.S. 30:2301.1 et seq.~~

Autoclave—steam sterilization at a temperature of at least 250°F and a pressure of at least 15 pounds per square inch for at least 30 minutes. Longer times are required depending on the amount of waste, the presence of water, and the type of container used. Alternate patterns of temperature, pressure, and time may be used if compatible with the sterilization equipment being used and demonstrably sufficient to kill disease-causing microorganisms.

Background Soil pH—the pH of the soil before the addition of substances that alter the hydrogen-ion concentration (see *Soil pH*).

Bailing—a method of obtaining samples of water from a groundwater monitoring well by lowering and raising a weighted bottle, capped length of pipe, or similar device.

Baler—~~a facility which that reduces and restrains~~a facility which mechanically compacts and binds, or wraps, a solid waste volume by mechanical compaction to achieve a higher density per unit volume into bundles, called bales, for convenient handling, storage, and shipping.

Beneficial Use—the use of waste material for some profitable purpose (e.g., incorporating sludge into soil to amend the soil). Avoidance of processing or disposal cost alone does not constitute beneficial use.

Board of Certification and Training—a board for the certification and training of operators of systems or facilities for the disposal of commercial and residential solid waste (established by R.S. 37:3151 et seq.).

Cation-Exchange Capacity—the sum of exchangeable cations a soil can absorb, expressed in milliequivalents per 100 grams of soil, as determined by sampling the soil to the depth of cultivation or solid waste placement, whichever is greater, and analyzing, by the summation method, for distinctly acid soils, or, by the sodium acetate method, for neutral, calcareous, or saline soils.

Clean Closure—the act of closing a facility whereby all solid waste is removed,

including contamination that results from solid waste placement.

Closure—the act of securing a facility that has been used to process, store, or dispose of solid waste in a manner that minimizes harm to the public and the environment.

Closure Plan—a plan for closure and/or post-closure of a facility prepared in accordance with the requirements of LAC 33:VII.Subpart 1.

Coastal Zone—the coastal waters and adjacent shorelands within the boundaries of the coastal zone established by the State and Local Coastal Resources Management Act of 1978 (R.S. 49:213.1-213.21).

Collect—to accumulate of industrial solid waste or solid waste generated by more than one household or commercial establishment, or by a storage or processing facility.

Commercial Establishment—a business, including its structures and property, that is involved in the exchange or distribution of goods or commodities, or that rents, leases, or sells space for such activities.

Commercial Solid Waste—all types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding residential and industrial solid wastes.

Compactor—a solid waste facility, other than collection and transportation vehicles, ~~which that~~ reduces a solid waste volume by mechanical compaction to achieve a higher-density-per-unit volume.

Compost—a solid waste ~~which that~~ has undergone biological decomposition of organic matter and has been stabilized using composting or similar technologies, to a degree that is beneficial to plant growth and that is used, or sold for use, as a soil amendment, artificial topsoil, growing-medium amendment, or other similar uses.

Composting—a controlled process of degrading organic matter with microorganisms.

Composting Facility—a facility where organic matter is processed by natural or mechanical means to aid the microbial decomposition of the organic matter.

Construct—to build, erect, excavate, or form any portion of a solid waste facility.

Construction/Demolition Debris—nonhazardous waste generally considered not water-soluble, including but not limited to metal, concrete, brick, asphalt, roofing materials (shingles, sheet rock, plaster), or lumber from a construction or demolition project, but excluding regulated asbestos-containing waste material (RACM), as defined in LAC 33:III.5151.B, white goods, furniture, ~~trash~~, or treated lumber. ~~The admixture of construction and demolition debris with more than five percent by volume of paper associated with such debris or any other type of solid waste (excluding wood waste or yard waste) will cause it to be classified as other than construction/demolition debris.~~

Contamination (Environmental)—the degradation of naturally occurring water, air, or soil quality either directly or indirectly as a result of human activities.

Contamination (Solid Waste)—the admixture of any solid waste with any amount of hazardous waste, or any other type of waste not meeting the definition of solid waste.

Contingency Plan—an organized, planned, coordinated course of action to be followed in the event of a fire, explosion, or discharge or release of waste into the environment that could endanger human health or the environment.

Cover Material—soil, or other suitable material approved by the administrative

authority, applied on the top and side slopes of disposed solid waste to control vectors, gases, erosion, fires, and infiltration of precipitation; to support vegetation; to provide trafficability; or to ensure an aesthetic appearance.

Crops for Human Consumption—crops grown for human consumption that are not processed to minimize pathogens before they are distributed to consumers.

Curing Area—an area where organic material that has undergone the rapid initial stage of composting is further stabilized into a humus-like material.

Current Assets—cash, other assets, or resources commonly identified as those which are reasonably expected to be realized in cash, sold, or consumed during the normal operating cycle of the business.

Current Liabilities—obligations whose liquidation is reasonably expected to require the use of existing resources, properly classifiable as current assets, or the creation of other current liabilities.

Daily Cover—cover material applied at the end of the operating day to a unit, the working face of a unit, or a facility. ~~(If earthen, cover will consist of a minimum of six inches of cover material).~~

Department—the Department of Environmental Quality as created by R.S. 30:2001 et seq.

Disease Vector—animals such as rodents, fleas, flies, mosquitoes, and other arthropods that are capable of transmitting diseases to humans.

Displacement—the relative movement of any two sides of a fault measured in any direction.

Disposal—the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste on or into any land or water so that such solid waste, or any constituent thereof, may have the potential for entering the environment or being emitted into the air or discharged into any waters of Louisiana. Solid waste that is abandoned or stored offsite whether or not it comes into contact with land or water is also considered disposal.

Ditch—an earthen trench or excavation principally used to convey wastewaters without regard to whether solids settling or treatment of wastewater occurs therein.

Emergency Exemption—a special authorization issued to a person by the administrative authority that allows freedom from obligation to these regulations or any portion thereof for a specified period of time, owing to emergencies such as strikes or acts of God.

Estimated Life of Facility—the length of time a solid waste facility is capable of accepting wastes, based on its current permit or permit application.

Exemption—a special authorization issued to a person by the administrative authority that allows freedom from obligation to these regulations or a portion thereof.

Existing Facility—any facility, ~~(as defined in LAC 33:VII.115)~~ this Subsection, that receives solid waste or that exists or is being constructed on February 20, 1993 that does or will store, process, or dispose of solid wastes. (Facilities closed prior to January 20, 1981, or facilities that have completed the closure/post-closure requirements prior to February 20, 1993, are not considered existing facilities.)

Existing Operation—any solid waste operation that manages, collects, stores, processes, or receives solid waste that exists or that is being constructed on February 20, 1993. (Operations closed prior to January 20, 1981, or operations that have completed the closure and/or post-closure requirements prior to February 20, 1993, are not considered

existing operations.)

Exploration and Production Waste (E&P Waste)—drilling wastes, salt water, and other wastes associated with the exploration, development, or production of crude oil or natural gas wells and that is not regulated by the provisions of, and is therefore exempt from, the Louisiana Hazardous Waste Regulations and the Federal Resource Conservation and Recovery Act, as amended. ~~E&P Wastes include, but are not limited to, the following:~~

<u>Waste Type</u>	<u>E&P Waste Description</u>
01	Salt water (produced brine or produced water), except for salt water whose intended and actual use is in drilling, workover or completion fluids or in enhanced mineral recovery operations; process fluids generated by approved salvage oil operators who only receive oil (BS&W) from oil and gas leases; and natural gas plant processing waste fluid that is or may be commingled with produced formation water.
02	Oil base drilling wastes (mud, fluids and cuttings)
03	Water base drilling wastes (mud, fluids and cuttings)
04	Completion, workover, and stimulation fluids
05	Production pit sludges
06	Storage tank sludge from production operations, onsite and commercial saltwater disposal facilities, salvage oil facilities (that only receive waste oil [B, S, & W] from oil and gas leases), and sludges generated by service company and commercial facility or transfer station wash water systems
07	Produced oily sands and solids
08	Produced formation fresh water
09	Rainwater from firewalls, ring levees and pits at drilling and production facilities
10	Washout water and residual solids generated from the cleaning of containers that transport E&P Waste and are not contaminated by hazardous waste or material; washout water and solids (E&P Waste Type 10) is or may be generated at a commercial facility or transfer station by the cleaning of a container holding a residual amount (no more than 1 barrel) of E&P Waste
11	Washout pit water and residual solids from oilfield-related carriers and service companies that are not permitted to haul hazardous waste or material
12	Nonhazardous natural gas plant processing waste solids
13	(Reserved)
14	Pipeline test water that does not meet discharge limitations established by the appropriate state agency, or pipeline pigging waste, i.e., waste fluids/solids generated from the cleaning of a pipeline
15	E&P wastes that are transported from permitted commercial

	facilities and transfer stations to permitted commercial treatment and disposal facilities, except those E&P Wastes defined as Waste Types 01 and 06
16	Crude oil spill clean-up waste
50	Salvageable hydrocarbons bound for permitted salvage oil operators
99	Other E&P Waste not described above (shipment to a commercial facility or transfer station must be pre-approved prior to transport)

Facility—actual land and associated appurtenances used for storage, processing, and/or disposal of solid wastes, but possibly consisting of one or more units. (Any earthen ditches leading to or from a unit of a facility and that receive solid waste are considered part of the facility to which they connect, except for ditches lined with materials capable of preventing groundwater contamination. The term facility does not necessarily mean an entire industrial manufacturing plant.)

Fault—a fracture or a zone of fractures in any material along which strata on one side have been displaced with respect to those on the other side.

Final Cover—cover material that is applied to minimize the infiltration of precipitation in a facility and revegetated to control erosion.

Flood Plain—the lowland and relatively flat areas adjoining inland and coastal waters, including flood-prone areas of offshore islands, that are inundated by the 100-year flood.

Food-Chain Crops—crops grown for human consumption; tobacco; and crops grown to feed animals that are consumed by humans.

Freeboard—the vertical distance between the lowest point of the top of a facility levee and the surface of the liquid waste contained therein.

Freshwater Aquifer—an aquifer containing water with quantities of total dissolved solids of less than 10,000 mg/L that is capable of yielding usable quantities of groundwater to drinking-water wells, industrial pumps, springs, or streams.

Friable Asbestos Waste—~~asbestos waste identified as friable in the current Air Quality Regulations (LAC 33:III)~~See definition for RACM.

Garbage—solid waste that includes animal and vegetable matter from the handling, preparation, cooking, and serving of foods (including grease trap waste), but that does not include industrial solid waste.

Generator—any person whose act or process produces solid waste as defined in these regulations.

Geotechnical Borehole—an exploratory borehole drilled, augered, bored, or cored to obtain soil samples to be analyzed for chemical and/or physical properties.

Groundwater—water below the land surface in the zone of saturation.

Hazardous Waste—waste identified as hazardous in the current Louisiana Hazardous Waste Regulations (LAC 33:V) and/or by the federal government under the Resource Conservation and Recovery Act and subsequent amendments.

Holocene—the most recent epoch of the Quaternary period, extending from the end of the Pleistocene Epoch to the present.

Implement—to carry out, accomplish, and ensure actual fulfillment by specific means or by providing instruments or means of accomplishment.

Implementation Schedule—a timetable for completing a predetermined implementation plan.

Impoundment—see Surface Impoundment.

Inactive (or Abandoned) Facility—a solid waste storage, processing, or disposal facility that no longer receives solid waste and has not been closed in accordance with Louisiana Solid Waste Regulations.

Incinerator—any enclosed device using controlled-flame combustion that neither meets the criteria for classification as a boiler nor is listed as an industrial furnace and is not a boiler nor an industrial furnace as defined in LAC 33:V.109.

Incinerator Ash—residual solid waste which has been received, thermally oxidized, and/or decomposed by an incinerator.

Incinerator Waste-Handling Facility—a facility which processes solid waste which has been received, thermally oxidized, and/or decomposed by an incinerator.

Incorporation into Soil—the injection of solid waste beneath the surface of soil, or the mixing of solid waste with the surface soil.

Industrial Establishment—a business, including its structures and property, that is involved in the production or manufacture of goods or commodities.

Industrial Solid Waste—solid waste generated by a manufacturing, industrial, or mining process, or ~~which~~^{that} is contaminated by solid waste generated by such a process. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products; by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; and transportation equipment. This term does not include hazardous waste regulated under the Louisiana hazardous waste regulations or under federal law, or waste which is subject to regulation under the Office of Conservation's Statewide Order No. 29-B or by other agencies.

Industrial Solid Waste Facility—a facility for the processing, storage, and/or disposal of industrial solid waste.

Infectious Waste—waste that contains pathogens of sufficient virulence and quantity that exposure to it could result in an infectious disease in a susceptible host.

Initial Promulgation—the date on which the Louisiana Solid Waste Management Program first became effective, January 20, 1981.

Interim Compacted Cover—a minimum of two feet of compacted silty or sandy clay.

Interim Cover—a minimum of one foot of soil that is applied to a portion of a unit or a facility.

Isopach—a line drawn on a map through points of equal true thickness of a designated stratigraphic unit or group of stratigraphic units.

Isopach Map—a map that shows the thickness of a bed, formation, sill, or other tabular body throughout a geographic area by means of isopachs at regular intervals.

Karst Terraines—areas where karst topography, with its characteristic surface and subterranean features, is developed as the result of dissolution of limestone, dolomite, or other soluble rock. Characteristic physiographic features present in karst terraine

s include, but are not limited to, sinkholes, sinking streams, caves, large springs, and blind valleys.

Landfarm—a facility for the disposal of solid wastes in which wastes are applied to the land and/or incorporated into the soil for biological reduction and soil attenuation.

Landfill—a facility for the disposal of solid waste, other than landfarm(s) or surface impoundment(s), that disposes of solid waste by placing it on or into the land surface and usually also compacting and covering with suitable cover material to a depth and at a frequency sufficient to control disease vectors and odors and in a manner that protects human health and the environment.

~~*Level "A" Certificate*—Board of Certification and Training for Solid Waste Disposal System Operator's certificate that encompasses all of the technical, regulatory, administrative, and management knowledge needed to perform all of the duties necessary for the proper operation of the entire solid waste management facility, including both procedural and operational aspects of a processing or disposal facility (all technical, regulatory, administrative, and management duties necessary for the proper operation of the solid waste processing or disposal facility).~~

~~===== *Level "B" Certificate*—Board of Certification and Training for Solid Waste Disposal System Operator's certificate that encompasses all of the technical, regulatory, administrative, and management knowledge needed to perform the duties necessary for the proper operation of the solid waste management facility as determined by assigned duties and customary practice, and the operational knowledge needed to operate the processing or disposal facility (i.e., equipment selection, maintenance, waste handling procedures, safety procedures, personnel hiring and training, reports, and special and hazardous waste identification).~~

Leachate—a liquid that has passed through or emerged from solid waste and may contain soluble, suspended, or miscible materials removed from such wastes.

Leak-Detection Well—a well used to determine the escape of liquids from a permitted solid waste facility.

Liabilities—probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

Liner—layer or layers of material(s) beneath and on the sides of a solid waste disposal facility that are designed to restrict the escape of wastes or their constituents from the facility.

Liquid Waste—any waste material that is determined to contain free liquids as defined by Method 9095 (Paint Filter Liquids Test), as described in Test Methods of Evaluating Solid Wastes, Physical/Chemical Methods (EPA Pub. No. SW-846).

Lithified Earth Material—all rock, including all naturally occurring and naturally formed aggregates or masses of minerals or small particles of older rock that formed by crystallization of magma or by induration of loose sediments. This term does not include man-made materials, such as fill, concrete, and asphalt, or unconsolidated earth materials, soil, or regolith lying at or near the earth's surface.

Litter—exposed solid waste outside the active portion of a unit of a facility.

Lower-Explosive Limit—the lowest percent by volume of a mixture of explosive gases in the air that will propagate a flame at 25 degrees centigrade and atmospheric pressure.

Major Modification—any change in a site, facility, process or disposal method, or operation ~~which~~that substantially deviates from the permit or tends to substantially increase the impact of the site, facility, process or disposal method, or operation on the environment.

Mandatory Modification—any change in a site, facility, unit, process or disposal method, or operation that is required as a result of ~~these~~the solid waste regulations as promulgated on February 20, 1993.

Mandatory Modification Document—a document submitted by existing facilities in conformance with LAC 33:VII.315.13.G-A-L as promulgated on February 20, 1993, ~~which~~that applies for a mandatory modification and which amends or adds to each portion of the permit at issue so that the permit meets the requirements of ~~these regulations~~the solid waste regulations as promulgated on February 20, 1993. ~~The document must conform to the requirements for permit modifications found in LAC 33:VII.517.~~

Editor's Note: The amended text of the above-referenced and related regulations is located in these regulations promulgated [enter date] as follows:

Prior LAC 33:VII.315.G moved to LAC 33:VII.513.A-L.

Prior LAC 33:VII.315.H moved to LAC 33:VII.513.M.

Prior LAC 33:VII.315.I moved to LAC 33:VII.513.N.

~~Prior LAC 33:VII.517 moved to LAC 33:VII.507.~~

Manure—a solid waste composed of excreta of animals and any residual materials that have been used for bedding, sanitary, or feeding purposes for such animals.

Maximum Horizontal Acceleration in Lithified Earth Material—the maximum expected horizontal acceleration depicted on a seismic hazard map, with a 90 percent or greater probability that the acceleration will not be exceeded in 250 years, or the maximum expected horizontal acceleration based on a site-specific seismic risk assessment.

Mesophilic Stage—a biological stage in the composting process characterized by active bacteria which favor a moderate temperature range of 20 to 45 degrees Centigrade. It occurs later in the composting process than the thermophilic stage and is associated with a moderate rate of decomposition.

Minor Modification—any modification that does not meet the criteria for a major modification.

Modification—any change in a site, facility, unit, process or disposal method, or operation that deviates from the specifications in the permit. Routine or emergency maintenance which does not cause the facility to deviate from the specifications of the permit is not considered a modification.

Monitoring Well—a well used to obtain hydraulic and/or water-quality data and to satisfy regulatory requirements for groundwater monitoring at regulated units, which is usually installed at or near a known or potential source of groundwater contamination.

Municipal Solid Waste Landfill or MSW Landfill—an entire disposal facility in a contiguous geographical space where residential solid waste or commercial solid waste is placed in or on land. ~~This facility is also known as a sanitary landfill.~~

Net Worth—total assets minus total liabilities and equivalent to the person's equity.

Observation Well—a well used to obtain information on the water resources of an

area.

Off-site Location—a location that is not on the generator's site.

Off-Site Processing/Disposal Area—a location for the processing and/or disposal of solid waste that is not on the generator's site.

On-Site Processing/Disposal Area—the land area and appurtenances thereon used for processing and/or disposal of solid waste on the same property or on geographically contiguous property, where waste is generated. Two or more pieces of property that are geographically contiguous but divided by public or private right(s)-of-way are considered a single site.

Open Burning—the combustion of solid waste without control of combustion air to maintain adequate temperature for efficient combustion, containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion, and control of the emission of the combustion products.

Open Dump—a solid waste processing or disposal facility ~~which that~~ has been issued a temporary permit and may not comply with the standards set by these regulations.

Operating Area—the portion of a facility that is actively involved in the storage, processing, or disposal of solid waste.

Operator—person(s) who is responsible for the overall operation of a facility or part of a facility.

Order Authorizing Commencement of Operations—a written authorization issued by the administrative authority after a permit-holder has completed all upgrading measures or completed construction measures, provided the required certification and a successful initial start-up inspection has been conducted by a representative of the department.

Owner—person(s) who owns a facility or part of a facility.

Parent Corporation—a corporation ~~which that~~ directly owns at least 50 percent of the voting stock of the corporation ~~which that~~ is the facility permit holder; the latter corporation is deemed a "subsidiary" of the parent corporation.

Permit—a written authorization issued by the administrative authority to a person for the construction, installation, modification, operation, closure, or post-closure of a certain facility used or intended to be used to process or dispose of solid waste in accordance with the act, these regulations, and specified terms and conditions.

Permittee/Permit Holder—a person who is issued a permit and is responsible for meeting all conditions of the permit and these regulations at a facility.

Person—an individual, trust, firm, joint-stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of the state, interstate body, or the federal government or any agency of the federal government.

PH—the logarithm of the reciprocal of hydrogen-ion concentration.

Pickup Station—a facility, at which one or more containers are located, ~~which that~~ is used to accumulate ~~industrial solid waste or to accumulate~~ solid waste generated by more than one household or commercial establishment for pickup by a transporter. This definition does not include containers ~~which that~~ receive only solid waste generated on property ~~which that~~ is contiguous with the property on which the container is located (e.g., containers located at and receiving solid waste only from a multiunit dwelling, a

commercial establishment, or an industrial establishment.)

Piezometer—a well with the sole function of determining groundwater elevation.

Pilot Hole—a hole drilled with the intent to install casing and to produce water. It is usually of a smaller diameter than the proposed well and has to be reamed to a larger diameter for the installation of a casing and screen.

Poor Foundation Conditions—those areas where features exist ~~which~~that indicate that a natural or man-induced event may result in inadequate foundation support for the structural components of a facility.

Potable Water—water with bacteriological, physical, and chemical properties that make it suitable for human consumption.

Potentiometric Map—a map showing the elevation to which groundwater will rise in a well by means of contour lines connecting points of equal rise for a given aquifer. Such a map provides velocity plus direction of groundwater movement.

Potentiometric Surface—the surface that represents the static head with reference to a specified datum, such as the National Geodetic Vertical Datum (NGVD). As the term relates to aquifers, it is defined by the levels to which water will rise in tightly cased wells.

Practice(s)—act(s) of storing, processing, collecting, transporting, or disposing of solid wastes.

Process—a method or technique, including recycling, recovering, compacting (but not including compacting ~~which~~that occurs solely within a transportation vehicle), composting, incinerating, shredding, baling, ~~transferring~~, recovering resources, pyrolyzing, or any other method or technique that is designed to change the physical, chemical, or biological character or composition of a solid waste to render it safer for transport; reduced in volume; amenable for recovery, storage, reshipment, or resale. The definition of process does not include treatment of wastewaters to meet state or federal wastewater discharge permit limits. Neither does the definition include activities of an industrial generator to simply separate wastes from the manufacturing process.

Promiscuous Dump—a solid waste disposal facility that has resulted from disposal activities of persons other than the landowner and whose operation is not permitted by the administrative authority.

Putrescible—susceptible to rapid decomposition by bacteria, fungi, or oxidation, creating noxious odors.

Reclassified Waste—a particular solid waste that the administrative authority has determined is no longer classified as a hazardous waste subject to regulation under the Louisiana hazardous waste regulations. Such wastes are "reclassified" as solid waste and are subject to regulation under these regulations.

Recovery Well—a well used to remove groundwater that has been determined to be contaminated.

Refuse-Derived Fuel—fuel processed from combustible solid waste.

Refuse-Derived Fuel Facility—a solid waste facility where fuel is processed from combustible solid waste.

Regulated Asbestos-Containing Material (RACM)—material specified in LAC 33:III.5151.B.

Residence—a single or multiunit dwelling, whether owned, leased, or rented by its occupant(s).

Residential Solid Waste—any solid waste (including garbage, trash, and sludges from residential septic tanks and wastewater treatment facilities) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas. This term does not include commercial, industrial, construction/demolition debris, inert and construction/demolition waste, or wood waste.

Resource Recovery—the process by which solid waste that retains useful physical or chemical properties is reused or recycled for the same or other purposes, including uses as energy sources.

Runoff—any rainwater, leachate, or other liquid that drains from any part of a facility.

Run-On—any rainwater or other liquid that drains onto any part of a facility.

Salvaging—the controlled removal of waste materials for later use.

~~*Sanitary Landfill*—a landfill for the disposal of commercial or residential solid waste by deposit in a landfill in layers covered with suitable cover material of a depth and at a frequency adequate to control disease vectors and odors, and in such a manner that minimizes the risk to human health and the environment. It is located, contoured, and designed so that it will not constitute a source of water pollution. See definition for municipal solid waste landfill.~~

Saturated Permeable Zone—the subsurface zone in which all interconnected openings are full of water.

Scavenging—unauthorized removal of solid waste materials from a disposal or processing facility.

Seismic-Impact Zone—an area with a 10 percent or greater probability that the maximum horizontal acceleration in lithified earth material, expressed as a percentage of the earth's gravitational pull (g), will exceed 0.10 g in 250 years.

Separation Facility—a Type III solid waste processing facility at which recyclables are separated from the a non-putrescible solid waste stream for future use. A separation facility can only accept an incidental (less than 1 percent by weight) amount of putrescible waste.

Septage—the contents of a septic tank, cesspool, or other individual sewage-treatment facility ~~which that~~ receives domestic-sewage wastes.

Service Area—the geographic area serviced by a solid waste facility in which solid waste is generated, collected, and transported for delivery to that solid waste facility.

Sewage Sludge—sludge resulting from treatment of wastewater from publicly or privately owned or operated sewage-treatment plants.

Shredder—a solid waste facility ~~which that~~ reduces the particle size of solid waste by grinding, milling, shredding, or rasping.

Site—the physical location, including land area and appurtenances, of an existing or proposed storage, processing, or disposal facility. A site may consist of a number of facilities, each subject to a permit to process or dispose of solid waste.

Sludge—residue produced by or precipitated from a treatment process.

Soil pH—a pH value obtained by sampling the soil to the depth of cultivation or solid waste placement. Test methodologies shall be in accordance with Test Methods for Evaluation of Solid Waste, Physical/Chemical Methods (EPA Pub. No. SW-846).

Solid Waste—any garbage, refuse, or sludge from a wastewater-treatment plant, water-supply treatment plant, or air pollution-control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities. Solid waste does not include solid or dissolved material in domestic sewage; the discharge of which is subject to a permit under R.S. 30:2074; solid or dissolved materials in irrigation-return flows; industrial discharges that are point sources subject to permits under R.S. 30:2075; source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (68 Stat. 923 et seq.), as amended; or hazardous waste subject to permits under R.S. 30:2171 et seq.

Solid Waste Management System—the entire process of collection, transportation, storage, processing, and disposal of solid waste by any person engaged in such process as a business or by any municipality, authority, trust, parish, or any combination thereof.

Spill—any unauthorized discharge or release of solid waste into or onto the land, air, or water.

Stabilize (Compost)—compost that has at least passed through the thermophilic stage and in which biological decomposition of the solid waste has occurred to a sufficient degree to allow beneficial use.

Standard Permit—written authorization issued by the administrative authority to an applicant who has successfully completed the permit application process for a processing or disposal facility.

Storage—the containment of solid waste on surfaces capable of preventing groundwater contamination in a means not constituting processing or disposal.

Structure Contour Map—a map depicting lines drawn through points of equal elevation on a stratum, key bed, or horizon in order to depict the attitude of geologic units.

Surface Application—placement of solid waste onto a landfarm without incorporating it into the soil.

Surface Impoundment—a facility consisting of a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), designed to hold an accumulation of liquid waste and/or sludge, that is not an injection well, landfarm, landfill, or tank. Runoff and containment areas (ROCAs) of landfarms are considered to be surface impoundments.

Surface-Recharge Zone—an area where a formation or formations that compose an aquifer intersect the land surface and receive water from percolation, precipitation, or surface-water bodies.

Tangible Net Worth—the tangible assets that remain after deducting liabilities; such assets would not include intangibles such as goodwill and rights to patents and royalties.

Tank—a stationary device designed to contain an accumulation of solid waste and constructed of nonearthen materials that provide structural support. The term tank does not include underground storage tanks as defined by the Underground Storage Tank Rules and Regulations (LAC 33:Part XI).

Temporary Permit—a written authorization issued by the administrative authority for a specific amount of time to a person for the construction, installation, operation, closure, or post-closure of a particular facility, or operation of an existing facility, used or

intended to be used for processing or disposing of solid waste in accordance with the act, these regulations, and specified terms and conditions.

Thermophilic Stage—a biological stage in the composting process characterized by active bacteria ~~which~~that favor a high temperature range of 45°C to 75°C. It occurs early in the composting process, before the mesophilic stage, and is associated with a high rate of decomposition.

Test Hole—an exploratory borehole drilled to obtain geologic, hydrologic, or water-quality data.

Topographic Map—a map displaying lines that include points of equal value showing the elevation of the Earth's surface.

Topsoil—the surface layer of soil, capable of promoting growth of vegetation.

Toxicity Characteristic Leaching Procedure (TCLP)—a method to determine if a waste exhibits hazardous characteristics conducted in accordance with LAC 33:Part V.

Transfer Station (processing)—a Type I-A or II-A solid waste processing facility where solid waste is transferred from collection vehicles, processed, and placed in other vehicles for transportation (e.g. facilities that separate recyclables for processing from industrial or putrescible waste streams).

Transfer Station (non-processing)—a solid waste ~~processing~~ facility where solid waste is transferred from collection vehicles ~~and placed into~~ other vehicles for transportation without processing.

Transport—to move industrial solid waste off-site and/or to move solid waste of a commercial establishment or more than one household to a storage, processing, or disposal facility.

Transporter—any person who moves industrial solid waste off-site and/or who moves solid waste of a commercial establishment or more than one household to a storage, processing, or disposal facility.

Trash—nonputrescible refuse including white goods, furniture, and wood and metal goods.

Treatment Zone—the depth in the soil of a landfarm into which solid waste has been incorporated and additional depths to which decomposition is occurring based on site-specific conditions.

Type (of Waste)—a category of waste in a general classification defined for solid waste management purposes (e.g., commercial, industrial, residential).

Type I Facility—a facility used for disposing of industrial solid wastes (e.g., landfills, surface impoundments, or landfarms). (If the facility is ~~also~~ used for disposing of residential or commercial solid waste, it is also a Type II facility).

Type I-A Facility—a facility used for processing industrial solid waste (e.g., transfer station (processing), ~~compost facility, incinerator waste handling facility, shredder, baler, or compactor etc.~~). (If the facility is ~~also~~ used for processing residential or commercial solid waste, it is also a Type II-A facility).

Type II Facility—a facility used for disposing of residential or commercial solid waste (e.g., landfills, surface impoundments, or landfarms). (If the facility ~~also~~ is used for disposing of industrial solid waste, it is also a Type I facility).

Type II-A Facility—a facility used for processing residential, infectious, or commercial solid waste (e.g., transfer station (processing), ~~composting municipal solid waste facility, incinerator waste handling facility,~~ refuse-derived fuel facility, shredder,

baler, autoclave, ~~or compactor etc.~~). (If the facility is ~~also~~ used for processing industrial solid waste, it is also a Type I-A facility.)

Type III Facility—a facility used for disposing or processing of construction/demolition debris or woodwaste, composting organic waste to produce a usable material, or separating recyclable wastes (a separation facility)(e.g., construction/demolition-debris and woodwaste landfills, separation facilities, composting facilities). ~~Residential, commercial, or industrial solid waste must not be disposed of in a Type III facility.~~

Unauthorized Discharge—a continuous, intermittent, or one time discharge, whether intentional, anticipated, or unanticipated, from any source, permitted or unpermitted, ~~which that~~ is in contravention of any provision of the act or of any permit or license terms and conditions, or of any applicable regulation, compliance schedule, variance, or exemption of the administrative authority.

Unauthorized Dump—a solid waste disposal facility whose operation is not authorized by the administrative authority.

Unit of a Facility—designated area of a facility wherein solid waste is, has been, or will be processed, stored, or disposed of.

Unstable Area—a location that is susceptible to natural or human-induced events or forces capable of impairing the integrity of some or all of the landfill structural components responsible for preventing releases from a landfill. Unstable areas can include poor foundation conditions, areas susceptible to mass movement, and Karst terraines.

Uppermost Aquifer—the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

Uppermost Water-Bearing Permeable Zone—any relative permeable zone, other than the uppermost aquifer, that may act as a potential contaminant pathway.

Vector—see *Disease Vector*.

Water Table—the upper surface of the zone of saturation at which the pressure is equal to the atmospheric pressure.

Wetlands—those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

White Goods—discarded domestic and commercial appliances, such as refrigerators, ranges, washers, and water heaters.

Woodwaste—yard trash and types of waste typically generated by land and right-of-way clearing operations, sawmills, plywood mills, and woodyards associated with the lumber and paper industry, such as wood residue, cutoffs, wood chips, sawdust, wood shavings, bark, wood refuse, wood-fired boiler ash, wood ash, and plywood or other bonded materials that contain only polyurethane, phenolic-based glues, or other glues that are approved specifically by the administrative authority. Uncontaminated, un-Treated or un-painted lumber is not considered woodwaste under this definition.

Working Face—that portion of a landfill where waste is currently being added during the operating day.

Yard Trash—vegetative matter resulting from landscaping, maintenance, or land-clearing operations, including trees and shrubbery, leaves and limbs, stumps, grass clippings, and flowers.

Zone of Incorporation—the depth to which solid waste has been incorporated into the soil of a landfarm.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22:279 (April 1996), amended by the Office of Waste Services, Solid Waste Division, LR 23:1145 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2514, 2609 (November 2000), amended by the Office of Environmental Assessment, LR 31:**.

Chapter 3. Scope and Mandatory Provisions of the Program

§301. ~~Wastes Governed by These Regulations~~ Exempted Waste

~~A. All solid wastes as defined by the act and these regulations are subject to the provisions of these regulations, except as follows provided in the following sections:~~

A. All solid wastes as defined by the act and these regulations are subject to the provisions of these regulations. Wastes regulated under other authority and not processed or disposed of in solid waste facilities permitted under these regulations, including, but not limited to, the following wastes:

1. agricultural-crop residues, aquacultural residues, silvicultural residues, and other agricultural wastes stored, processed, or disposed of on the site where the crops are grown or which are stored, processed, or disposed in accordance with a best management practice plan which has been provided to the Office of Environmental Services, Permits Division and approved in writing by the Department of Agriculture, and within the jurisdiction of the Department of Agriculture;
2. mining overburden, spoils, tailings, and related solid wastes within the jurisdiction of the Department of Natural Resources, Office of Conservation;
3. produced-waste fluids and muds resulting from the exploration for or production of petroleum and geothermal energy, and all surface and storage waste facilities incidental to oil and gas exploration and production, within the jurisdiction of the Department of Natural Resources, Office of Conservation;
4. uncontaminated dredge or earthen excavation spoil;
5. solid wastes while they are stored at residences or commercial establishments and regulated by local ordinance, or within the jurisdiction of the Department of Health and Hospitals;
6. uncontaminated residues from beneficiation of earthen material;
7. uncontaminated stormwater and uncontaminated noncontact cooling water;

8. infectious waste or other hospital or clinic wastes that are not processed or disposed of in solid waste processing or disposal facilities permitted under these regulations; and

9. sewage sludge and domestic septage as defined by LAC 33:IX. Chapter 69 of the Water Quality regulations will be exempt from all requirements of LAC 33:VII, except for the transportation requirements in LAC 33:VII. ~~503401~~, 529, and ~~705505~~, ~~upon the date of receipt by the department of sewage sludge program authority from EPA in accordance with 40 CFR Part 501 under the NPDES program. Provisions addressing sewage sludge and domestic septage found throughout these regulations will no longer apply once the department receives program authority.~~

B. Wastes excluded by the definition of solid waste in the act and/or as otherwise specified in the act including:

1. hazardous wastes subject to regulation under R.S. 30:2171 et seq.;
2. solid or dissolved material in domestic sewage (such as domestic-oxidation ponds), except separated sludges;
3. solid or dissolved materials in irrigation-return flow;
4. discharges that are downstream from point sources subject to permit under R.S. 30:2074, except waste contained in solid waste facilities prior to the final discharge point. However:

- a. wastewaters in existing ditches which are downstream of a designated internal state or federal wastewater discharge point are exempt from the definition of solid waste if they require no further treatment to meet final state or federal wastewater discharge point permit limits or if they require only pH adjustment to meet final pH permit limits or suspended solids settling specifically to meet final total suspended solids permit limits;

- b. wastewaters in existing ditches upstream of a designated final state or federal wastewater discharge point which require no further treatment to meet final state or federal permit limits or which only require pH adjustment to meet final pH permit limits or solids settling specifically to meet total suspended solids permit limits are exempt from the definition of solid waste;

- c. solids or sludges in ditches are exempt from the definition of solid waste until such time as such solids or sludges are removed from the ditches for disposal, provided however, that this exclusion from the definition of solid waste only applies to solids and sludges derived from wastewaters described in Subparagraphs B.4.a and b of this Section;

- d. the administrative authority reserves the right to withdraw the exemption for wastewaters in Subparagraphs B.4.a and b if the wastewaters contribute to groundwater contamination;

5. source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); and

6. compost produced by an individual for his own beneficial use, as

provided in R.S. 30:2416.G.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22:279 (April 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2515 (November 2000), LR 28:780 (April 2002), amended by the Office of Environmental Assessment, LR 31:**.

§303. Wastes Not Subject to the Permitting Requirements or Processing or Disposal Standards of These Regulations

~~A.~~ The following solid wastes, ~~that when~~ are processed or disposed of in an environmentally sound manner, are not subject to the permitting requirements or processing or disposal standards of these regulations:

- ~~A.~~ 1. wastes resulting from land and right-of-way clearing (trees, stumps) and disposed of on the site where generated;
- ~~B.~~ 2. solid wastes in facilities that have been closed in a manner acceptable to the administrative authority prior to January 20, 1981. (This Subsection is not intended to require permitting of any facilities which have been closed in a manner acceptable to the administrative authority and which remain closed.);
- ~~C.~~ 3. materials such as waste papers, plastics, metals, and glass that are presorted to be recycled or reused and not destined for disposal;
- ~~D.~~ 4. uncontaminated earthen materials such as limestone, clays, sands, clamshells, river silt, and uncontaminated residues from beneficiation of earthen materials;
- ~~E.~~ 5. brick, stone, reinforced and unreinforced concrete, and asphaltic roadbeds;
- ~~F.~~ 6. sludges resulting from the treatment of water at public or privately owned water-supply treatment plants;
- ~~G.~~ 7. petroleum-refining catalysts and other materials utilized as feedstocks ~~which that~~ are managed at a facility in order to recover these wastes for further use;
- ~~H.~~ 8. agricultural wastes, including manures, that are removed from the site of generation by an individual for his own personal use on land owned or controlled by the individual. The amount of wastes covered by this exemption shall not exceed 10 tons per year (wet-weight) per individual per use location;
- ~~I.~~ 9. solid wastes ~~which that~~ are treated or disposed of in a hazardous waste treatment or disposal facility ~~which that~~ is regulated under LAC 33:Part V;
- ~~J.~~ 10. woodwastes ~~which that~~ are beneficially-used in accordance with a Best Management Practice Plan approved in writing by the Department of Agriculture and submitted to the Office of Environmental Services, Permits Division, provided that the following requirements are met:
 - ~~1.~~ a. the generator must notify the Office of Environmental Services, Permits Division of such activity at each site in accordance with LAC 33:VII.503401.A;
 - ~~2.~~ b. the generator must submit to the Office of Management and

Finance, Financial Services Division a disposer annual report in accordance with the standards in LAC 33:VII.1109, which report amounts of woodwastes beneficially-used at each site;

~~K.~~ 11. solid wastes re-used in a manner protective of human health and the environment, as demonstrated by a soil re-use plan prepared in accordance with LAC 33:VII.Chapter 113, ~~and approved by the administrative authority; and or as described below;~~

~~L.~~ 12. other wastes deemed acceptable by the administrative authority based on possible environmental impact.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 24:2250 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2515 (November 2000), repromulgated LR 27:703 (May 2001), amended by the Office of Environmental Assessment, LR 31:**.

§305. Facilities Not Subject to the Permitting Requirements or Processing or Disposal Standards of These Regulations

A. The following facilities that are operated in an environmentally sound manner are not subject to the permitting requirements or processing or disposal standards of these regulations:

~~A.~~ 1. incinerators ~~which that~~ receive only on-site-generated commercial solid waste and ~~which that~~ have a design rate of no more than 250 pounds per hour;

~~B.~~ 2. shredders, autoclaves, balers, and compactors that receive no waste volume from off-site sources;

~~C.~~ 3. facilities ~~which that~~ process ~~or reuse~~ on-site-generated, nonhazardous, petroleum-contaminated media and debris from ~~underground storage tank corrective action remedial activity~~, provided such processing ~~or reuse~~ is completed in less than 12 months and is in accordance with a corrective action plan authorized by the ~~Underground Storage Tank Regulations~~ administrative authority.

~~D.~~ 4. construction/demolition-debris disposal facilities ~~which that~~ receive only on-site-generated construction/demolition-debris, provided that the following requirements are met:

~~1.~~ a. the facility must notify the Office of Environmental Services, Permits Division of such activity in accordance with LAC 33:VII.503 ~~401~~.A; and

~~2.~~ b. the facility must submit to the Office of Management and Finance, Financial Services Division a disposer annual report in accordance with the standards for construction/demolition-debris disposal facilities found in LAC 33:VII.721.B.1.a;

c. the facility owner shall update the parish mortgage and conveyance records by entering the specific location of the facility and specifying that the property was used for the disposal of solid waste. The document shall identify the name

and address of the person with the knowledge of the contents of the facility. An example of the form to be used for this purpose is provided in Appendix F. The facility shall provide the Office of Environmental Services, Permits Division, with a true copy of the document filed and certified by the parish clerk of court.

~~E.~~ 5. solid waste injection wells which are under the jurisdiction of the Department of Natural Resources; provided, H~~however~~, that any storage, processing, or disposal (not including injection) incidental to such injection wells is subject to these regulations;

~~F.~~ 6. industrial facilities ~~which~~that process solid waste by non-destructive and non-thermal means on the site where the waste is generated (i.e., none of the waste is from off-site sources);

~~G.~~ 7. secondary containment systems (e.g., sumps or dikes) ~~which~~that are designed and operated to contain non-routine spill events (i.e., do not routinely receive solid waste except for de minimus spillage) from manufacturing or product storage areas within an industrial establishment. This exemption does not include secondary containment systems for solid waste disposal units;

~~H.~~ 8. woodwaste facilities at which only woodwaste is disposed of on property owned by the generator of the woodwaste, provided that the following requirements are met:

~~1.~~ a. the facility must notify the Office of Environmental Services, Permits Division of such activity in accordance with LAC 33:VII.~~503-401~~.A;

~~2.~~ b. the facility must submit to the Office of Management and Finance, Financial Services Division a disposer annual report in accordance with the standards for woodwaste disposal facilities in LAC 33:VII.721.B.1.a;

~~3.~~ c. the facility must comply with applicable Louisiana Water Pollution Control Regulations;

~~4.~~ d. the facility must comply with the perimeter barrier and security requirements in LAC 33:VII.719.B.1.a, b and c, and with the buffer zone requirements in LAC 33:VII.719.B.2;

~~I.~~ 9. facilities at which only woodwastes resulting from utility right-of-way clearing are received, provided the following conditions are met:

~~1.~~ a. the facility property must be controlled by the utility company which generates the woodwaste;

~~2.~~ b. the facility must comply with the natural or manmade perimeter barrier and security requirements in LAC 33:VII.719.B.1.a, b and c;

~~3.~~ c. the facility must not receive solid waste from any source other than the utility company (or its authorized contractors) which generates the waste;

~~4.~~ d. the facility must notify the Office of Environmental Services, Permits Division of its activities in accordance with LAC 33:VII.~~503-401~~.A;

~~5.~~ e. the facility must submit to the Office of Management and Finance, Financial Services Division a disposer annual report which accurately estimates volumes of waste disposed in accordance with the standards for woodwaste disposal facilities found in LAC 33:VII.721.B.1.a; and

~~6.~~ f. the facility must comply with applicable Louisiana Water Quality regulations (LAC 33:Part IX).

~~J.~~ 10. ditches that receive nonroutine spillage (i.e., do not routinely

receive solid waste except for de minimus spillage) from manufacturing or product storage areas within an industrial establishment. This exemption does not include ditches for solid waste disposal units such as landfills, landfarms, or surface impoundments.

11. recycling facilities, as described in LAC 33:VII.303.3, that receive only source separated recyclables;

12. hospitals and other health care facilities that store or treat regulated infectious waste generated on-site or that accept waste from off-site wholly or partly owned subsidiaries.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22:279 (April 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1264 (June 2000), LR 26:2515, 2609 (November 2000), repromulgated LR 27:703 (May 2001), amended by the Office of Environmental Assessment, LR 31:**.

§307. Exemptions

A. Any person subject to these regulations who generates, collects, stores, transports, processes, or disposes of solid waste may petition the administrative authority for exemption from these regulations or any portion thereof.

1. The administrative authority may provide exemptions from these regulations or any portion thereof when petitions for such are deemed appropriate after consideration of the factors enumerated in Subparagraphs B.2.a and b of this Section as well as any other pertinent factors.

2. The administrative authority shall make a decision whether or not to grant the exemption requested within 180 days from the date on which the request for exemption was filed, unless a longer time period is agreed upon by mutual consent of the applicant and the administrative authority. In no case shall the time period be greater than one year.

B. Each request for an exemption must:

1. identify the specific provisions of these regulations from which a specific exemption is sought;

2. provide sufficient justification for the type of exemption sought, ~~which~~that includes, but may not be limited to, the following demonstrations:

a. that compliance with the identified provisions would tend to impose an unreasonable economic, technologic, or safety burden on the person or the public; and

b. that the proposed activity will have no significant adverse impact on the public health, safety, welfare, and the environment, and that it will be consistent with the provisions of the act;

3. include proof of publication of the notice as required in Paragraph C.1 of this Section, except for emergency exemptions.

C. Public Notification of Exemption Requests

1. Persons requesting an exemption shall publish a notice of intent to

submit a request for an exemption, except as provided in Paragraph C.2 of this Section. This notice shall be published one time as a single classified advertisement measuring three columns by five inches in the legal-notices section of a newspaper of general circulation in the area and parish where the facility is located, and one time as a classified advertisement in the legal-notices section of the official journal of the state. If the facility is in the same parish or area as the official journal of the state, a single classified advertisement measuring three columns by five inches, in the legal-notices section of the official journal of the state, will be the only public notice required.

2. Persons granted emergency exemptions by the administrative authority shall publish a notice to that effect in the legal-notices section of a newspaper of general circulation in the area and parish where the facility requesting the exemption is located. The notice shall be published one time as a single classified advertisement measuring three columns by five inches in the legal-notices section of a newspaper of general circulation in the area and parish where the facility is located, and one time as a classified advertisement in the legal-notices section of the official journal of the state. The notice shall describe the nature of the emergency exemption and the period of time for which the exemption was granted. Proof of publication of the notice shall be forwarded to the Office of Environmental Services, Permits Division within 60 days after the granting of an emergency exemption.

D. Innovative or Alternate Technology Exemption. Persons requesting an exemption based on innovative or alternate technology shall follow the procedure specified in Subsections A, B, and C, except for Subparagraph B.1.a₂ of this Section. Requests for exemptions based on innovative technology may be granted by the administrative authority based on the ability of the applicant to make the following demonstrations:

1. the request is based on innovative or alternative technology;
2. the innovative or alternative technology must satisfy all of the applicable standards in LAC 33:Part VII other than those for which the exemption is sought; and
3. the innovative or alternative technology must produce performance or provide protection that is equivalent or superior to that required by all the standards for which the exemption is sought.

E. No exemptions may be granted for Type II landfills ~~which that~~ would allow noncompliance with federal regulations, specifically 40 CFR 257 and 258, as amended on October 9, 1991.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2516 (November 2000), amended by the Office of Environmental Assessment, LR 31:**.

§309. Confidentiality (Editor's note: moved to §110)

§311. Submittal of Information by Persons Other than Permit Holder or Applicant

Repealed

~~A. Documentation must be provided to the Office of Environmental Services, Permits Division by the permit holder or applicant authorizing other persons to submit information on their behalf.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2516 (November 2000), repealed by Environmental Assessment, LR 31:**.

§313. Classification (Editor's note: moved to Chapter 4)**§315. Mandatory Provisions**

~~All persons conducting activities regulated under these regulations shall comply with the following provisions:~~

A. Generating, Collecting, Transporting, Storing, Processing, and Disposing of Solid Waste. Solid waste shall be generated, collected, transported, stored, processed, and disposed of only in accordance with these regulations.

~~B. Storage of Wastes. No solid waste shall be stored or allowed to be stored for more than 30 days or~~ in a manner that it may cause a nuisance or health hazard or detriment to the environment as determined by the administrative authority. No solid waste shall be stored or allowed to be stored at an offsite location.

C. All solid waste must be disposed of at a permitted solid waste facility. Existing Facilities Not Operating under a Standard Permit. ~~All facilities without a standard permit, whether operating or inactive, shall be upgraded or closed in accordance with LAC 33:VII.Subpart 1 unless they have previously been satisfactorily closed in accordance with LAC 33:VII.Subpart 1.~~

D. Solid waste abandoned and not in contact with the soil or water shall be considered an act of disposal. Only solid waste facilities permitted to receive E&P waste shall accept such waste. ~~Permits for Existing Facilities Operating without a Standard Permit. All existing solid waste facilities classified for upgrading shall apply for a standard permit according to these regulations.~~

~~E. Permits for New Facilities. No new solid waste facilities shall be constructed or operated after January 20, 1981, without a permit issued by the administrative authority in accordance with these regulations.~~

~~F. Construction of New or Modified Facilities. No construction of a new facility or modification of an existing facility may commence without a permit.~~

~~G. Permit Upgrade Schedule for Existing Facilities Operating under a Standard Permit~~

~~1. Existing Type I Landfills and Type I Landfarms~~

~~a. Permit holders for existing Type I landfills and Type I landfarms operating under a standard permit must submit to the Office of Environmental Services, Permits Division, no later than February 1, 1994, a mandatory modification~~

document to address these regulations.

b. Existing Type I landfills and Type I landfarms shall be upgraded in accordance with these regulations no later than December 31, 1997.

2. Existing Type II Landfills

a. Permit holders of existing Type II landfills operating under a standard permit must submit to the department, no later than August 1, 1994, a mandatory modification document to address these regulations.

b. Except as provided in Subparagraph G.2.c of this Section, existing Type II landfills shall be upgraded in accordance with these regulations no later than December 31, 1997.

c. Special Subtitle D Upgrade Requirements. Notwithstanding Subparagraphs G.2.a and b of this Section, the following upgrade schedule applies.

i. Existing Type II landfills must be upgraded, to comply with LAC 33:VII.709.A.2 (regarding airports), LAC 33:VII.709.B.1.a, b, and c (regarding restriction of public access), LAC 33:VII.709.B.5 and LAC 33:VII.711.D.1.a (regarding hazardous waste exclusion), LAC 33:VII.709.B.6 (regarding discharges to surface water), LAC 33:VII.709.C.3 (regarding unstable areas), LAC 33:VII.711.A.1 (regarding 100-year floodplains), LAC 33:VII.711.A.2 and 3 (regarding run-on/runoff control), LAC 33:VII.711.B.2 (regarding daily cover), LAC 33:VII.711.D.1.b (regarding open burning), LAC 33:VII.711.D.1.g (regarding liquid waste exclusion), LAC 33:VII.711.D.3.a (regarding methane monitoring), and LAC 33:VII.711.D.3.c (regarding vector control) no later than October 9, 1993.

ii. Units of Type II landfills which did not receive solid waste prior to October 9, 1993, must comply with LAC 33:VII.709.A.4 (regarding wetlands demonstrations), LAC 33:VII.709.A.5 (regarding fault areas), LAC 33:VII.709.C.2 (regarding seismic impact zones), LAC 33:VII.709.E (regarding groundwater monitoring) and LAC 33:VII.711.B.4 and 5 (regarding plans and specifications for leachate collection and liners) before receiving solid waste.

iii. Units of Type II landfills which are less than one mile from a drinking water intake must be upgraded to comply with LAC 33:VII.709.E (regarding groundwater monitoring) no later than October 9, 1994.

iv. Units of Type II landfills which are less than two miles from a drinking water intake must be upgraded to comply with LAC 33:VII.709.E (regarding groundwater monitoring) no later than October 9, 1995.

v. Units of Type II landfills which are greater than two miles from a drinking water intake must be upgraded to comply with LAC 30:VII.709.E (regarding groundwater monitoring) no later than August 1, 1996.

vi. The administrative authority may extend the date for compliance with LAC 33:VII.315.G.2.c.i to April 9, 1994, for qualified existing Type II landfill units.

vii. The administrative authority may extend the post-closure waste acceptance dates in LAC 33:VII.711.F.2.a and b to April 9, 1994 for existing units of qualified Type II landfills.

viii. For the purposes of Clauses G.2.c.vi and vii, a qualified Type II landfill is one which:

(a) received no more than 100 tons per day of

solid waste between October 9, 1991 and October 9, 1992, based on a calendar daily average; and

(b). will receive no more than 100 tons per day of solid waste based on a daily average computed each month between October 9, 1993 and April 9, 1994.

3. All Other Existing Type I, Type I-A, Type II, and Type II-A Facilities

a. Permit holders for all other Type I, Type I-A, Type II, and Type II-A facilities operating under a standard permit must submit to the department, no later than February 1, 1994, a mandatory modification document to address these regulations.

b. Existing Type I, Type I-A, Type II, and Type II-A facilities shall be upgraded in accordance with these regulations no later than December 31, 1997.

4. Financial Assurance. Existing Types I, II, or III facilities that are owned or operated by local governments must comply with the financial assurance requirements in LAC 33:VII.727 no later than April 9, 1997. The administrative authority may waive the requirements of this Section for up to one year until April 9, 1998, for good cause if an owner or operator demonstrates that the April 9, 1997, effective date for the requirements of this Section does not provide sufficient time to comply with these requirements and that such a waiver will not adversely affect human health and the environment. All other facilities must comply by February 20, 1995.

5. Units of existing Type II landfills which are not upgraded in accordance with these regulations must cease accepting waste and complete closure on or before December 31, 1997.

6. Units of facilities, other than Type II landfills, which are not upgraded in accordance with these regulations must cease accepting waste and complete closure on or before their respective upgrade deadlines provided in Subsection G of this Section.

7. Permit holders of facilities which have earthen ditches that lead to or from units of the facility and receive solid waste must:

a. submit a plan to the department by February 1, 1994, to:

- i. upgrade the ditches to meet these regulations (This plan must be in the form of a permit modification, and may be included in the mandatory modification document for the facility.); or
- ii. remove the solid waste from the ditches and line them with materials capable of preventing groundwater contamination; or
- iii. remove the solid waste from the ditches and cease disposing of solid waste in the ditches.

b. upgrade the ditches in accordance with these regulations and the permit modification by February 1, 1998.

8. Type I and II facilities with closure plans approved prior to and which do not receive solid waste on or after October 9, 1993, may complete closure and post-closure under the terms of the approved closure plan, except that Type II landfills which received solid waste on or after October 9, 1991 must meet standards for placement and maintenance of final cover in LAC 33:VII.711.E and F.

9. The permit holder of a Type II facility must submit to the

~~department a new or amended closure plan and a post-closure plan in the form of a permit modification to address these regulations no later than October 9, 1993, or by the initial receipt of waste, whichever is later.~~

~~10. Municipal solid waste landfills that commenced construction, reconstruction, or modification or began accepting waste on or after May 30, 1991, are subject to 40 CFR Part 60, Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills. Described landfills may be required to have an operating permit under the Air Quality regulations, LAC 33:III.~~

~~11. Municipal solid waste landfills that accepted waste on or after November 8, 1987, or for which construction, reconstruction, or modification was commenced before May 30, 1991, may be subject to 40 CFR Part 60, Subpart CC—Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills. Described landfills may be required to have an operating permit under the Air Quality regulations, LAC 33:III.~~

~~H. Existing Facilities Operating under a Temporary Permit with Pending Permit Applications. Permit holders of existing facilities operating under a temporary permit must submit to the department, no later than January 1, 1994, an addendum to the permit application to address these regulations. Existing facilities which do not hold a standard permit must be upgraded in accordance with the applicable deadlines according to facility type in Subsection G of this Section unless earlier deadlines are required by the administrative authority.~~

~~I. Applicants of Proposed Facilities with Pending Permit Applications~~

~~1. Applicants of proposed facilities with permit applications on file with the department must submit to the Office of Environmental Services, Permits Division, no later than January 1, 1994, an addendum to their application to address these regulations.~~

~~2. Failure to submit an addendum to the application by January 1, 1994, shall be considered a withdrawal of the permit application and shall require no further action.~~

~~J. Access to Facilities. The administrative authority or his representative shall have access to the premises of all facilities used for the management of solid waste for all purposes authorized under R.S. 30:2001 et seq., particularly R.S. 30:2012. These inspections may be conducted during normal operating hours; however, the department reserves the right to conduct inspections before and after operating hours. Upon request of the operator or permit holder, the administrative authority or his representative shall discuss the preliminary findings of any such investigation before leaving the premises.~~

~~K. Reporting of Unauthorized Discharge. Any discharge, deposit, injection, spill, dumping, leaking, or placing of solid waste into or on the water, air, or land of the state in contravention of the act, these regulations, or the terms and conditions of a permit issued thereunder, or any accident, fire, explosion, or other emergency that results in such unauthorized solid waste discharge, shall be reported by any person causing, allowing, or suffering said discharge or by any person with knowledge of the discharge to the Office of Environmental Compliance in accordance with LAC 33:I.Chapter 39.~~

~~L. Cleanup of Unauthorized Discharge. The cleanup, isolation, removal, or otherwise rendering safe of solid waste processed or disposed of in a manner not authorized by these regulations, or at a facility not permitted to receive such wastes, shall~~

be conducted in accordance with the terms and conditions of any order issued by the administrative authority. Such orders shall not preclude other enforcement action under R.S. 30:2025.

~~MH.~~ Notice of Damage to Structures in a Solid Waste Facility. The Office of Environmental Compliance shall be notified in accordance with ~~within 48 hours, in the manner provided in~~ LAC 33:I.3923, when damage to or degradation of any structure of a solid waste facility occurs that would impair the ability of the facility to meet the conditions of its permit.

I. The owner/operator shall provide advanced written notice, at least 30 days prior to construction, to the parish governing authority whose jurisdiction may be affected, of the intent to operate a transfer station or other type of facility for the offloading and/or transloading of processed solid waste and sewage sludge destined for disposal.

~~NJ.~~ Hazardous or Nuclear Wastes in Solid Waste Facilities. No hazardous waste or nuclear material regulated under the Louisiana hazardous waste rules and regulations or Louisiana radiation regulations shall be processed or disposed of at a solid waste facility except in conformance with those regulations. Collectors, transporters, processors, and disposers of solid waste must determine, according to approved methods, that the waste is not hazardous before collecting, transporting, processing, or disposing of it.

~~OK.~~ Compliance with Other Regulations. All facilities may be subject to applicable federal and state laws and regulations, including, but not limited to Section 402 (NPDES) and Section 404 (Dredge and Fill) of the Clean Water Act; the Coastal Zone Management Act and Federal Aviation Administration regulations; the National Historic Preservation Act of 1966, as amended; the Endangered Species Act; the Wild and Scenic Rivers Act; the Fish and Wildlife Coordination Act; the Clean Air Act; the Toxic Substances Control Act; the Marine Protection Research and Sanctuary Act; the Resource Recovery and Conservation Act; and the Federal Insecticide, Fungicide, and Rodenticide Act.

PL. Contamination of the Waters of the State. No person(s) shall cause, allow, or permit solid waste to be disposed of in such a manner that it enters the waters of the state. This does not apply to discharges into waters of the state in accordance with state or federal wastewater-discharge permits.

~~QM.~~ Open burning of solid waste is prohibited, except as otherwise provided in ~~these regulations~~ R.S. 30:2001 et seq. and LAC 33:III.1109.

RN. Spent Bauxite Waste and By-Product Gypsum and Related Wastes

1. The administrative authority may give special consideration to landfills ~~which~~that receive only by-product gypsum and related wastes (resulting from the production of phosphoric acid, phosphate fertilizers, and hydrofluoric acid) which is generated on-site, with regard to standards for receipt of liquid waste, standing water, specific design and operation of liners and leachate collection and removal systems, daily cover, and final cover, which may include waiver or modification of these standards.

2. The administrative authority may give special consideration to surface impoundments ~~which~~that receive only spent bauxite waste and related wastes (resulting from production of alumina) ~~which~~that is generated on-site, with regard to standards for liners and final cover which may include waiver or modification of these

standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 19:1143 (September 1993), LR 19:1315 (October 1993), repromulgated LR 19:1421 (November 1993), amended LR 22:279 (April 1996), amended by the Office of Waste Services, Solid Waste Division, LR 23:954 (August 1997), LR 23:1145 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2516 (November 2000), LR 30:1675 (August 2004), amended by the Office of Environmental Assessment, LR 31:**.

§317. Division of Responsibility (Editor's note: moved to §112)

§319. Assignment and Reassignment of Responsibilities (Editor's note: moved to §114)

Chapter 4. Administration, Classifications, and Inspection Procedures for Solid Waste Management Systems

§401. Notification (Editor's note: moved from §503)

A. ~~Except as provided for in Paragraph A.2 of this Section, p~~Persons who generate industrial solid waste and/or persons who transport, ~~store~~, process, or dispose of solid waste shall, within 30 days after they become subject to these regulations, notify the Office of Environmental Services, Permits Division in writing of such activity. A form to be used for notification shall be obtained from the Office of Environmental Services, Permits Division or through the department's website.

B. Persons who generate industrial solid waste and persons who transport, process, or dispose of solid waste who have previously notified the department of such activity are not required to renotify, unless changes are warranted.

C. Owners or operators of pickup stations and transfer stations non-processing are required to notify the Office of Environmental Services, Permits Division of such activities within 30 days after they become subject to these regulations. Existing facilities that have previously notified are not required to renotify.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2517 (November 2000), amended by the Office of Environmental Assessment, LR 30:2024 (September 2004), Office of Environmental Assessment, LR 31:**.

§403. Existing Facilities Classification ~~Classification of Existing Facilities Which~~

~~Have Not Been Previously Classified or Which Are Not Presently Operating under a Standard Permit~~ (Editor's note: moved from §505)

A. Classification

1. Existing facilities ~~which~~that have ~~neither~~not been previously ~~regulated~~, classified ~~nor~~or issued a standard permit shall be classified by the administrative authority to the classification categories of "closure" or "upgrade."

2. Within 120 days after the review and acknowledgment of the notification by the administrative authority, a representative of the department ~~will~~shall perform an on-site investigation of the facility to determine its classification. At the time of the classification inspection, the processor and/or disposer shall provide the representative with a map clearly depicting the location and size of each facility (and units thereof) to be classified and a schematic of the waste entering each unit of a facility to be classified.

3. Within 30 days after the classification inspection, any person who processes or disposes of solid waste shall file with the Office of Environmental Services, Permits Division a notice of his intent to upgrade or close a facility.

B. Existing Facilities Not Operating under a Standard Permit. All facilities without a standard permit, whether operating or inactive, shall be upgraded or closed in accordance with LAC 33:VII.Subpart 1 unless they have previously been satisfactorily closed in accordance with LAC 33:VII.Subpart 1.

C. Permits for existing facilities operating without a standard permit. All existing solid waste facilities classified for upgrading shall apply for a standard permit according to these regulations.

D. Existing facilities ~~which~~that have not previously been classified or ~~that are not operating under a standard permit shall be classified for upgrade or closure ~~as required in LAC 33:VII.313.B~~ by the following criteria and procedure.~~

1. Classification criteria are based on compliance with standards detailed in LAC 33:VII. Chapters 5, 7, and 8, with emphasis on the following:

- a. potential for pollution of surface water;
- b. potential for pollution of groundwater;
- c. potential for pollution of air;
- d. location in flood plains or in wetlands;
- e. potential for danger to health due to disease vectors, use of waste-filled lands for food crops, and similar health-related practices;
- f. safety considerations, including danger from explosive gases, from fires, and from birds attracted to the site that might obstruct the glide path of aircraft; and
- g. threat to endangered species.

2. The classification procedure comprises identifying, evaluating, and preliminary classification of facilities.

a. an ongoing effort ~~will~~shall be made to identify all solid waste facilities.

b. The facilities ~~will~~shall be evaluated on the basis of the criteria listed in ~~LAC 33:VII.505.B.1 of these regulations~~this Subsection and based on the needs and plans of the facility.

E. Issuance of Temporary Permits

1. The administrative authority may issue a temporary permit for upgrading to persons who process or dispose of solid waste. The temporary permit ~~will~~shall require the submission of a permit application. The temporary permit will allow the facility to continue operations in accordance with an approved interim operational plan pending the standard permit application process.

2. The administrative authority may issue a temporary permit for closure to persons who process or dispose of solid waste. The temporary permit shall require the submission of a closure plan permit application and implementation schedule. The temporary permit may allow the facility to continue operations in accordance with an approved interim operational plan pending the closure process.

3. Temporary permits are subject to annual permit maintenance fees as provided in LAC 33:VII.1505.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2517 (November 2000), amended by the Office of Environmental Assessment, LR 31:**.

§405. Categorization of Facilities (Editor's note: moved from §507)

A. All existing and proposed facilities ~~will~~ shall be categorized as defined in LAC 33:VII.115 and as one or more of the following:

A1. Type I. Industrial disposal facilities (landfills, surface impoundments, or landfarms);

B2. Type I-A. Industrial processing facilities (incinerator waste-handling facilities, compactors, balers, shredders, or transfer stations);

C3. Type II. Nonindustrial disposal facilities (landfills, surface impoundments, or landfarms);

D4. Type II-A. Nonindustrial processing facilities (incinerator waste-handling facilities, compactors, balers, shredders, transfer stations, or refuse-derived fuel facilities); and or

E5. Type III. Construction/demolition-debris and woodwaste landfills, separation facilities, composting facilities, or other.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, LR 31:**.

§407. Inspection Types and Procedures (Editor's note: moved from 509)

A. Classification Inspection. A classification inspection is required for all existing facilities not previously classified, and each facility's initial classification is

based on this inspection. It is performed after the department receives notification of operations (LAC 33:VII.503401.A.1).

B. Compliance Inspections. The department shall inspect each facility and each facility's records periodically to determine the facility's compliance with the terms of standard or temporary permits and these regulations.

C. Initial Start-Up Inspection—Newly Permitted Facilities

1. For existing facilities, the initial start-up inspection shall be made after a standard permit has been issued, all upgrading measures are completed, new activities as a result of upgrade are implemented, and certification is submitted to the Office of Environmental Services, Permits Division by a ~~registered~~professional engineer, licensed in the state of Louisiana, that the facility is constructed and has been upgraded in accordance with the permit.

2. For new facilities, the initial start-up inspection shall be made after a standard permit has been issued, construction measures have been completed, and certification is submitted to the Office of Environmental ~~Assessment~~Services, ~~Environmental Technology Permits~~ Division by a ~~registered~~professional engineer, licensed in the state of Louisiana, that the facility is constructed in accordance with the permit.

3. All start-up inspections shall be initiated within 10-working days of receipt of certification by the Office of Environmental ~~Assessment~~Services, ~~Environmental Technology Permits~~ Division unless a longer time period is set by mutual agreement.

4. Within 15 working days after a new or existing facility has undergone the initial start-up inspection, the administrative authority shall either issue an order authorizing commencement of operation or a written notice of deficiency to the permittee, unless a longer time period is set by mutual agreement.

D. Construction Inspections. At least 10 days prior to commencing construction of a liner, leak-detection system, leachate-collection system, or monitoring well at a Type I or Type II facility, the permit holder shall notify the Office of Environmental ~~Assessment Services~~, ~~Environmental Technology Permits~~ Division, in writing, of the date on which construction will begin, in order to allow a representative of the division the opportunity to witness the construction.

E. Unit Start-Up Inspections—All Facilities

1. Start-up inspections for new units of a standard permitted facility shall be conducted after completion of all construction measures and after submittal of certification to the Office of Environmental Assessment, Environmental Technology Division, by a ~~registered~~professional engineer licensed in the state of Louisiana, that the unit is constructed in accordance with the permit.

2. All start-up inspections shall be initiated within 10 working days of receipt of certification by the Office of Environmental Assessment, Environmental Technology Division.

3. Within 10 working days after a new unit of a facility has undergone a unit start-up inspection, the administrative authority shall issue either an approval of the construction or a notice of deficiency. The unit may commence operation only upon approval of the construction of the unit by the administrative authority.

F. Modification Start-Up Inspections—All Facilities

1. Start-up inspections for modified construction of a standard permitted facility shall be conducted after construction measures of the modification are completed and certification is submitted to the Office of Environmental Assessment, Environmental Technology Division by a ~~registered~~professional engineer licensed in the state of Louisiana, that the modified feature/unit has been constructed in accordance with the modification approved by the administrative authority and any conditions specified in such approval.

2. After a modified unit/feature of a facility has successfully undergone a start-up inspection and after the permit holder has been notified in writing of this, operation of the modified unit/feature may commence.

G. Closure Inspections. Closure inspections will be conducted within 30 days after the Office of Environmental Services, Permits Division has received written notice from the permit holder that closure requirements have been met in accordance with the approved closure plan and the permit holder has filed a request for a closure inspection. Closure inspections must be conducted before backfilling of a facility takes place. The administrative authority reserves the right to determine if a facility has been closed properly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2517 (November 2000), amended by the Office Environmental Assessment, LR 31:**.

Chapter 5. Solid Waste Management System

Subchapter A. General Standards for Nonpermitted Facilities

(Editor's note: Subchapter A is taken from chapter 7; the previous Subchapter A is now B, B is now C, etc.)

§501. Administration

Repealed

~~A. — This program shall be administered by the Department of Environmental Quality.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2517 (November 2000), repealed by the Office of Environmental Assessment, LR 31:**.

§501. Standards Governing Industrial Solid Waste Generators (Editor's Note: Moved from §701)

A. Annual Reports

1. Generators of industrial solid waste shall submit annual reports to the Office of Environmental Services, Environmental Assistance Division listing the types and quantities, in wet-weight tons per year, of industrial solid waste they have disposed of off-site.

2. The generator's annual report shall name the transporter(s) who removed the industrial solid waste from the generator's site and the permitted solid waste processing or disposal facility or facilities that processed or disposed of the waste both in and out of state. The form to be used shall be obtained from the department or through the department's website at www.deq.state.la.us.

3. The reporting period shall be from July 1 through June 30.

4. The report shall be submitted to the Office of Environmental Services, Environmental Assistance Division by August 1 of each reporting year.

5. Generators of industrial solid waste shall maintain, for two years, all records concerning the types and quantities of industrial solid waste disposed of off-site.

B. Generator Notification and Waste Testing

1. Prior to the initial transport of an industrial solid waste off-site, generators of industrial solid waste shall:

a. submit to the Office of Environmental Services, Permits Division a generator notification form, ~~(which is to be provided by the administrative authority)~~ which is available on the department website or by contacting the Office of Environmental Services, Permits Division, which includes analysis, analytical data, and/or process knowledge which that confirms that the waste is not a characteristic or listed hazardous waste as defined in LAC 33:Part V or by federal regulations; and

b. obtain an industrial waste code number from the disposal facility ~~Office of Environmental Services, Permits Division.~~

2. Subsequent movements of the same industrial waste off-site shall not require new waste testing or a new industrial waste code number, unless the process ~~which that~~ generates the waste or the characteristics of the waste change. However, the waste characterization data and the waste code required in Paragraph B.1 of this Section must be maintained by the generator.

3. ~~Paragraph B.1 and 2 of this section are applicable to solid waste shipments on or after April 1, 1993.~~

C. All solid waste must be processed or disposed of at a permitted solid waste facility.

D. Only solid waste facilities permitted to receive E&P waste shall accept such waste.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2521 (November 2000), repromulgated LR 27:703 (May 2001), amended by the Office of Environmental Assessment, LR 30:2024 (September 2004), LR 31:**.

§503. Standards Governing Solid Waste Accumulation and Storage (Editor's Note: Moved from §703)

A. Solid Waste Accumulation

1. No solid waste shall be stored ~~for more than 30 days~~ or allowed to be stored long enough to cause a nuisance, health hazard or detriment to the environment as determined by the administrative authority.
2. Containers used for solid waste shall prevent access by rodents and insects, shall minimize the escape of odors, and shall keep out water.
3. On-site processing or disposal, other than the exclusions provided for in LAC 33:VII.301, 302, 303, or 305, is not allowed on the sites of commercial or industrial generators, unless a permit is obtained.

B. Solid Waste Stored in Tanks

1. Storage tanks shall be designed, constructed, and operated to prevent release of their solid waste contents into the surrounding environment.
2. A storage vessel that is partially buried underground must meet the definition of *tank* provided in LAC 33:VII.115 in order to be considered a tank; otherwise, it will be considered a surface impoundment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, LR 31:**.

§505. Standards Governing Collectors and Off-Site Transporters of Solid Waste (Editor's Note: Moved from §705)

A. Vehicle Requirements

1. The types and sizes of vehicles shall comply with the regulations and licensing of the Department of Transportation and Development and with applicable local ordinances governing weight and size for the streets that must be traveled for solid waste pickup.
2. Cover
 - a. The bodies of vehicles used to transport trees, tree limbs, construction materials, or metals shall contain such waste without allowing materials to fall or blow off the vehicle.

b. The bodies of vehicles used to collect or transport all other solid waste shall be covered at all times, except during loading and unloading, in a manner that prevents rain from reaching waste, inhibits access by rodents and insects, prevents waste from falling or blowing from the vehicle, minimizes escape of odors, and does not create a nuisance.

c. The bodies of vehicles used for the transportation of ash shall be leak-resistant and covered so as to prevent emissions.

3. The bodies of all vehicles used to transport solid waste that produces leachate shall be equipped with a collection and containment system to ensure that leachate from the waste is not discharged in violation of these regulations.

4. The interior and exterior of the body of a vehicle used to transport putrescible solid waste shall be washed down as often as needed to ensure that odors generated by putrescible matter are minimized.

B. Vehicle Washdown Area

1. The vehicle washdown area shall be designed, constructed, and operated to prevent leakage ~~which~~ that may lead to groundwater contamination or uncontrolled contaminated surface runoff.

2. Water collected shall be discharged and the containment system thoroughly cleaned as often as is needed to minimize odors. The leachate and the cleanout water shall be discharged in accordance with all applicable state and federal regulations.

C. Standards Governing Waste Transportation by Other Modes

1. Barge and Ship Transport

a. Barge and ship transport shall be governed by Paragraphs A.2, 3, and 4 and Paragraphs B.1 and 2 of this Section.

b. Loading and unloading facilities shall comply with LAC 33:VII.7507, as applicable.

2. Pipelines

a. Transfer points, pumping stations, and other facilities with a potential for spillage shall be located above grade, or in watertight compartments, and shall be in containment areas constructed to hold the maximum potential spill.

b. Containment areas shall consist of a base and dikes constructed of concrete, compacted clay, or other impervious materials. All joints must be sealed.

3. Rail

a. Rail car transport shall be governed by Paragraphs A.2, 3, and 4 and Paragraphs B.1 and 2 of this Section.

b. Loading and unloading facilities shall comply with LAC 33:VII.7507, as applicable.

4. Other. Collectors and off-site transporters utilizing facilities not covered by Subsections A and C of this Section shall apply to the administrative authority for regulations governing the proposed facility.

D. Transportation to Processing and Disposal Facilities. Solid waste shall be transported, for processing or disposal, only to facilities permitted to receive such waste.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, LR 31:**.

§507. Standards Governing Pickup Stations for Solid Waste (Editor's note: moved from §707)

A. Pickup stations must comply with existing local zoning and comprehensive land-use regulations and ordinances. ~~They must also occupy sufficient land so that vehicles using the station will not block traffic or otherwise constitute a hazard or endanger public safety.~~

B. Containers shall provide complete containment of waste, thereby preventing litter, discharges, odor, and other pollution of adjoining areas. Pickup stations must meet the standards found in LAC 33:VII.7503.A. ~~They must also occupy sufficient land so that vehicles using the station will not block traffic or otherwise constitute a hazard or endanger public safety.~~

C. Cleanup of the station must be timed at intervals in order to comply with the requirements of LAC 33:VII.7505.B.1 and 2. -All waste accumulated or stored at the facility shall remain in containers that meet the following requirements:

1. Containers shall provide sufficient capacity to contain waste and prevent litter.
2. Containers shall be designed, constructed, and operated to keep out water and prevent leakage.
3. Containers shall be constructed and maintained to minimize odors and access by rodents and insects.
4. Containers shall be emptied before accumulation becomes a nuisance, a health hazard, or detriment to the environment as determined by the administrative authority.

D. No processing or disposal shall occur at a pickup station unless a standard permit is obtained. Inspections of pickup stations shall be made twice per week looking for cleanliness of the site, overfill of containers, closed lids, leaking containers, and deterioration of containers.

E. Each person must provide written notice to the parish governing authority, at least 30 days prior to construction, of his intent to operate a pick-up station for the offloading and/or transloading of processed solid waste and sewage sludge destined for

disposal Records of inspections shall be created, maintained, and available for inspection within 24 hours of request.

~~F. No processing or disposal shall occur at a pickup station unless a standard permit is obtained.~~

F. Removal of all remaining wastes and containers to a permitted facility shall occur at closure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2609 (November 2000), amended by the Office of Environmental Assessment, LR 31:**.

§508. Standards Governing Non-Processing Transfer Stations for Solid Waste

A. Non-processing transfer stations must comply with existing local zoning and comprehensive land-use regulations and ordinances.

B. Containers shall provide complete containment of waste, thereby preventing litter, discharges, odor, and other pollution of adjoining areas. Non-processing transfer stations must meet the standards found in LAC 33:VII.503.A. They must also occupy sufficient land so that vehicles using the station will not block traffic or otherwise constitute a hazard or endanger public safety.

C. Cleanup of the station must be timed at intervals in order to comply with the requirements of LAC 33:VII.505.B.1 and 2.-All waste accumulated or stored at the facility shall remain in containers that meet the following requirements:

1. Containers shall provide sufficient capacity to contain waste and prevent litter.

2. Containers shall be designed, constructed, and operated to keep out water and prevent leakage.

3. Containers shall be constructed and maintained to minimize odors and access by rodents and insects.

4. Containers shall be emptied before accumulation becomes a nuisance, a health hazard, or detriment to the environment as determined by the administrative authority.

D. No processing or disposal shall occur at a non-processing transfer station unless a standard permit is obtained Inspections of non-processing transfer stations shall be made twice per week looking for cleanliness of the site, overfill of containers, closed lids, leaking containers, and deterioration of containers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental

Quality, Office of Environmental Assessment, LR 31:**.

Subchapter B. Permit Administration, Classification, and Inspection Procedures
§509. Permit System (Editor's note: moved from §511)

A. Scope

1. A permit must be secured by any person who processes and/or disposes of solid waste, with the exception of those wastes or processing and disposal facilities described in LAC 33:VII.301, 302, 303, and 305. Facilities (existing and proposed) subject to the permitting requirements detailed in these regulations are defined in LAC 33:VII.115 and 405.A. and as follows:

- a. ~~Type I—a facility used for the disposal of industrial solid waste;~~
- b. ~~Type I A—a facility used for processing industrial solid waste;~~
- c. ~~Type II—a facility used for the disposal of residential or commercial solid waste;~~
- d. ~~Type II A—a facility used for processing residential or commercial solid waste; and~~
- e. ~~Type III:~~
 - i. ~~a facility used for disposing of construction/demolition debris, as defined in LAC 33:VII.115;~~
 - ii. ~~a facility used for processing or disposing of woodwaste as defined in LAC 33:VII.115, and tree limbs, leaves, and stumps;~~
 - iii. ~~a facility used to compost organic wastes to produce a usable material; and~~
 - iv. ~~a separation facility as defined in LAC 33:VII.115.~~

2. ~~The following will not be required to secure permits.~~

a. ~~Generators who~~that are not processors or disposers of solid waste are not required to secure a permit. Generators of industrial solid waste must notify the Office of Environmental Services, Permits Division, in accordance with LAC 33:VII.401503.A.1. Generators of industrial solid waste are subject to the applicable standards provided in LAC 33:VII.7601.

3. b. ~~Transporters who~~that are not processors or disposers of solid waste are not required to secure a permit, ~~but~~. Transporters of solid waste must notify the Office of Environmental Services, Permits Division, in accordance with LAC 33:VII.503401.A.1. Transporters of solid waste are subject to the applicable standards provided in LAC 33:VII.7605.

4. e. ~~Storers who~~that are not processors or disposers of solid waste are not required to secure a permit. Storers of solid waste are subject to the applicable standards provided in LAC 33:VII.703.

5. d. Transfer station (non-processing) and p~~Pickup stations at which no solid waste is processed or disposed of~~ Pickup stations ~~These~~ are subject to the standards found in LAC 33:VII.7503 and 7507 and must notify the Office of Environmental Services, Permits Division in accordance with LAC 33:VII.503-401.A.

(Editor's note: moved from §315.E & F)

~~6. Permits for New Facilities.~~ No new solid waste facilities shall be constructed or operated without a permit approval issued by the administrative authority in accordance with these regulations.

~~7. No construction of a new facility or modification of an existing facility may commence without a permit.~~

B. Types of Permits

1. Temporary Permit

a. A temporary permit allows continued operation of an existing facility in accordance with an interim operational plan, but does not allow the expansion or modification of the facility without prior approval of the administrative authority. The administrative authority may issue a temporary permit in the following situations:

- i. to allow operations to continue at an existing facility while a standard permit application is being processed;
- ii. to allow operations to continue at an existing facility while a closure plan permit application is being processed or while a facility is being closed in accordance with a closure plan; or
- iii. to allow an applicant for a permit for a proposed facility to begin construction and/or operation on a limited basis while an application for a proposed facility is being processed for good cause shown.

b. The types of temporary permits issued on or after February 20, 1993, will correspond to the facility categories defined in LAC 33:VII.405.A: (Type I, Type I-A, Type II, Type II-A, and Type III).

c. Temporary permits ~~which~~ that may have been issued in the form of administrative orders, compliance orders to upgrade, orders to upgrade, compliance orders to close, orders to close, and settlement agreements prior to February 20, 1993, may remain in effect until otherwise determined by the administrative authority. Notwithstanding this Subparagraph, any such temporary permit holder must comply with applicable upgrade requirements and deadlines in LAC 33:VII.34513.G and H.

2. Standard Permit. Standard permits may be issued by the administrative authority to applicants for solid waste processing and/or disposal facilities that have successfully completed the standard permit application process. The types of standard permits issued on or after February 20, 1993, shall correspond to the facility categories defined in LAC 33:VII.507405.A: (Type I, Type I-A, Type II, Type II-A, and Type III).

C. Existing Facilities Not Previously Classified or Not Presently Operating Under a Standard Permit

1. Only those existing facilities that the administrative authority classifies for upgrading may apply for a standard permit. The person(s) notifying the Office of Environmental Services, Permits Division, ~~will~~ shall be issued a temporary permit and may continue operations in accordance with the interim operational plan, pending a decision on the standard permit application.

2. Facilities classified for closure ~~will~~ shall be issued a temporary permit. That permit may allow operations to continue in accordance with the interim operational plan until closure activities are accomplished and may require that closure

and/or post-closure activities be conducted in accordance with the approved closure plan.

D. Duration of Permit

1. Temporary permits are issued for a period not to exceed three years.
2. Standard permits are issued for a period not to exceed 10 years.
 - a. Processing and/or disposal facilities with an effective standard permit shall submit to the Office of Environmental Services, Permits Division a new permit application at least 455 days before the expiration date of the standard permit, unless permission for later filing is granted by the administrative authority. If the reapplication is submitted on or before the deadline above, and the administrative authority does not issue a final decision on the reapplication on or before the expiration date of the standard permit, the standard permit shall remain in effect until the administrative authority issues a final decision.
 - b. ~~Permits for processing and/or disposal facilities which that have been issued with an expiration date greater than 10 years after the effective date of the permit shall expire 10 years after the date the permit was effective or on August 1, 1996, whichever is later. These facilities shall be subject to the provisions in Subparagraph D.2.a of this Section. For permits with expiration dates greater than ten years, at the end of the term, the department shall, in accordance with rules and regulations, extend or reissue a permit, for another term of up to ten years.~~

E. Property Rights. Permits issued by the administrative authority do not convey any property rights of any sort or any exclusive privilege.

F. Public Hearings

1. Public hearings ~~will shall~~ may be held concerning standard permits for facilities ~~when the administrative authority determines that there is sufficient public interest at the discretion of the secretary.~~
2. Public hearings ~~will shall~~ may be held concerning major modifications of standard permits ~~when the administrative authority determines that there is sufficient public interest at the discretion of the secretary.~~
3. Public hearings ~~will shall~~ not be held concerning mandatory modifications, which are considered an enhancement of a standard permitted facility. **(Editor's note: Subsections 4-7 are existing language moved from §513.F.4-7)**
4. Public hearings shall be conducted in accordance with the rules of procedure of the administrative authority for fact-finding hearings or other hearing procedures developed by the administrative authority and the Administrative Procedure Act (R.S. 49:950 et seq.).
5. Public Opportunity to Request a Hearing. Any person may, within 30 days after the date of publication of the newspaper notice (LAC 33:VII.503401.F.3), request that the administrative authority consider whether a public hearing is necessary. If the administrative authority determines that the requests warrant it, a public hearing will be scheduled. If the administrative authority determines that the requests do not raise genuine and pertinent issues, the Office of Environmental Services, Permits Division, shall send the person requesting the hearing written notification of the determination. The request for a hearing must be in writing and must contain the name and affiliation of the person making the request and the comments in support of or in objection to the issuance of a permit.

6. Public Notice of a Public Hearing. If the administrative authority determines that a hearing is necessary, notices shall be published at least 20 days before a fact-finding hearing in the official journal of the state and in the official journal of the parish where the facility is located. The notice shall be published one time as a single classified advertisement measuring three columns by five inches in the legal or public notices section of the official journal of the parish where the facility is located. If the affected area is Baton Rouge, a single classified advertisement measuring three columns by five inches in the official journal of the state shall be the only public notice required. Those persons on the Office of Environmental Services, Permits Division's mailing list for hearings shall be mailed notice of the hearing at least 20 days before a public hearing. A notice shall also be published in the departmental bulletin, if available.

7. Receipt of Comments Following a Public Hearing. Comments received by the Office of Environmental Services, Permits Division, until the close of business 30 days after the date of a public hearing shall be reviewed by the Office of Environmental Services, Permits Division.

G. Other Requirements

1. The applicant may be required to obtain additional permits from other local state and federal agencies. Typical permits that may be needed are as follows:

- a. NPDES/LPDES (Section 402 of the Clean Water Act);
- b. Louisiana Water Discharge Permit;
- c. Louisiana Coastal Use Permit (issued by the Department of Natural Resources, Coastal Management Division);
- d. Louisiana Air Emissions Permit;
- e. U.S. Army Corps of Engineers Permit (Dredge and Fill, Section 404 of the Clean Water Act); or
- f. appropriate local permits, licenses, certification, registration, or approval.

2. It is the responsibility of the applicant to identify the other applicable permits that may be required. A listing of the permits that the applicant intends to apply for shall be included in the solid waste permit application.

3. The applicant shall provide appropriate documentation to the Office of Environmental Services, Permits Division that the proposed use does not violate zoning or other land-use regulations that exist at the time of the submittal of the standard permit application.

H. Suspension, Revocation, or Amendment of Permit. The administrative authority may review a permit at any time. After review of a permit, the administrative authority may, for cause, suspend, revoke, or require amendment of a permit in whole or in part in accordance with the procedures outlined in LAC 33:VII.Chapter 9 ~~of these regulations and R.S. 30:2025.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2517 (November 2000), amended by the Office of

Environmental Assessment, LR 31:**.

§513. Mandatory Modification Requirements (Editor's note: moved from §315, Subsections G-I)

A. This section applies to those facilities that were required to submit mandatory modification applications to the department in accordance with the regulations promulgated on February 20, 1993. Subsections B-N of this Section are an upgrade schedule for those facilities.

B. Existing Type I Landfills and Type I Landfarms

1. Permit holders for existing Type I landfills and Type I landfarms operating under a standard permit must submit to the Office of Environmental Services, Permits Division, no later than February 1, 1994, a mandatory modification document to address these regulations.

2. Existing Type I landfills and Type I landfarms shall be upgraded in accordance with these regulations, no later than December 31, 1997.

C. Existing Type II Landfills

1. Permit holders of existing Type II landfills operating under a standard permit must submit to the department, no later than August 1, 1994, a mandatory modification document to address these regulations.

2. Except as provided in Subparagraph G.2.c of this Section, existing Type II landfills shall be upgraded in accordance with these regulations, no later than December 31, 1997.

3. Special Subtitle D Upgrade Requirements. Notwithstanding Subparagraphs C.1 and 2.a and b of this Section, the following upgrade schedule applies.

a. Existing Type II landfills must be upgraded, to comply with LAC 33:VII.709.A.4 (regarding airports), 709.B.1.b (regarding restriction of public access), 709.B.2 and 711.D.1.a (regarding hazardous-waste exclusion), 709.B.2 (regarding discharges to surface water), 709.A.10.c (regarding unstable areas), 711.A.1 (regarding 100-year floodplains), 711.A.2 and 3 (regarding run-on/runoff control), 711.B.2 (regarding daily cover), 711.D.1.b (regarding open burning), 711.D.1.g (regarding liquid waste exclusion), 711.D.3.a (regarding methane monitoring), and 711.D.3.c (regarding vector control) no later than October 9, 1993.

b. Units of Type II landfills ~~which~~that did not receive solid waste prior to October 9, 1993, must comply with LAC 33:VII.709.A.8 (regarding wetlands demonstrations), 709.A.10 (regarding fault areas), 709.A.10.b (regarding seismic impact zones), 805 (regarding groundwater monitoring) and 711.B.4 and 5 (regarding plans and specifications for leachate collection and liners) before receiving solid waste.

c. Units of Type II landfills ~~which~~that are less than one mile from a drinking water intake must be upgraded to comply with LAC 33:VII.805 (regarding groundwater monitoring) no later than October 9, 1994.

d. Units of Type II landfills ~~which~~that are less than two miles from a drinking water intake must be upgraded to comply with LAC 33:VII.805 (regarding groundwater monitoring) no later than October 9, 1995.

e. Units of Type II landfills ~~which~~that are greater than two miles from a drinking water intake must be upgraded to comply with 805 (regarding

groundwater monitoring) no later than August 1, 1996.

f. The administrative authority may extend the date for compliance with Subparagraph C.3.a of this section to April 9, 1994, for qualified existing Type II landfill units.

g. The administrative authority may extend the post-closure waste acceptance dates in LAC 33:VII.711.F.2.a and b to April 9, 1994 for existing units of qualified Type II landfills.

h. For the purposes of Subparagraphs C.3.f. and g, of this Section, a qualified Type II landfill is one ~~which~~that:

i. received no more than 100 tons per day of solid waste between October 9, 1991 and October 9, 1992, based on a calendar daily average; and

ii. ~~will received~~received no more than 100 tons per day of solid waste based on a daily average computed each month between October 9, 1993 and April 9, 1994.

D. All Other Existing Type I, Type I-A, Type II, and Type II-A Facilities

1. Permit holders for all other Type I, Type I-A, Type II, and Type II-A facilities operating under a standard permit must submit to the department a mandatory modification document to address these regulations.

2. Existing Type I, Type I-A, Type II, and Type II-A facilities shall be upgraded in accordance with these regulations no later than December 31, 1997.

E. Financial Assurance. Existing Types I, II, or III facilities that are owned or operated by local governments must comply with the financial assurance requirements in LAC 33:VII. Chapter 13 no later than April 9, 1997. The administrative authority may waive the requirements of this Section for up to one year until April 9, 1998, for good cause if an owner or operator demonstrates that the April 9, 1997, effective date for the requirements of this Section does not provide sufficient time to comply with these requirements and that such a waiver will not adversely affect human health and the environment. All other facilities must comply by February 20, 1995.

F. Units of existing Type II landfills ~~which~~that are not upgraded in accordance with these regulations must cease accepting waste and ~~complete~~proceed with closure.

G. Units of facilities, other than Type II landfills, ~~which~~that are not upgraded in accordance with these regulations must cease accepting waste and complete closure on or before their respective upgrade deadlines provided in Subsection C of this Section.

H. Permit-holders of facilities ~~which~~that have earthen ditches that lead to or from units of the facility and receive solid waste must:

1. submit a plan to the department by February 1, 1994, to:
 - a. upgrade the ditches to meet these regulations (This plan must be in the form of a permit modification, and may be included in the mandatory modification document for the facility.);
 - b. remove the solid waste from the ditches and line them with materials capable of preventing groundwater contamination; or
 - c. remove the solid waste from the ditches and cease disposing of solid waste in the ditches.

2. upgrade the ditches in accordance with these regulations and the

permit modification.

I. Type I and II facilities with closure plans approved prior to and ~~which~~that do not receive solid waste on or after October 9, 1993, may complete closure and post-closure under the terms of the approved closure plan, except that Type II landfills ~~which~~that received solid waste on or after October 9, 1991 must meet standards for placement and maintenance of final cover in LAC 33:VII.711.E and F.

J. The permit holder of a Type II facility must submit to the department a new or amended closure plan and a post-closure plan in the form of a permit modification to address these regulations no later than October 9, 1993, or by the initial receipt of waste, whichever is later.

K. Municipal solid waste landfills that commenced construction, reconstruction, or modification or began accepting waste on or after May 30, 1991, are subject to 40 CFR Part 60, Subpart WWW - Standards of Performance for Municipal Solid Waste Landfills. Described landfills may be required to have an operating permit under the Air Quality regulations, LAC 33:III.

L. Municipal solid waste landfills that accepted waste on or after November 8, 1987, or for which construction, reconstruction, or modification was commenced before May 30, 1991, may be subject to 40 CFR Part 60, Subpart Cc-Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills. Described landfills may be required to have an operating permit under the Air Quality regulations, LAC 33:III.

M. Existing Facilities Operating under a Temporary Permit with Pending Permit Applications. Permit holders of existing facilities operating under a temporary permit must submit to the department, no later than January 1, 1994, an addendum to the permit application to address these regulations. Existing facilities ~~which~~that do not hold a standard permit must be upgraded in accordance with the applicable deadlines according to facility type described in this Section, unless earlier deadlines are required by the administrative authority.

N. Applicants of Proposed Facilities with Pending Permit Applications

1. Applicants of proposed facilities with permit applications on file with the department must submit to the Office of Environmental Services, Permits Division, no later than January 1, 1994, an addendum to their application to address these regulations.

2. Failure to submit an addendum to the application by January 1, 1994, shall be considered a withdrawal of the permit application and shall require no further action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:**.

§514. Permit Process for Upgrading Existing Facilities and for Proposed Facilities (Editor's note: moved from §513)

A. Applicant Public Notice

1. The prospective applicant shall publish a notice of intent to submit

an application for a standard permit. This notice shall be published one to forty-five (1-45) days prior to submission of the application to the Office of Environmental Services, Permits Division. The notice shall be published one time as a single classified advertisement measuring three columns by five inches, in the legal or public notices section of the official journal of this state and in a major local newspaper of general circulation. If the affected area is Baton Rouge, a single classified advertisement measuring three columns by five inches, in the legal or public notices section of the official journal of the state will be the only public notice required.

2. The public notice shall be published in accordance with the form provided in Appendix A of this Chapter.

3. Proof of publication of the notice shall be included in all applications for existing and proposed facilities submitted to the administrative authority.

B. Permit Application Requirements

1. Any person who generates, transports, or stores solid waste, and is not issued a permit, but is under the jurisdiction of the department, ~~and~~ must comply with the applicable provisions of these regulations.

2. Submittal of Permit Applications

a. Any applicant for a standard permit for existing or proposed processing and disposal facilities shall complete Part I, Part II, and Part III of the standard permit application, following the instructions for the appropriate facility class in LAC 33:VII.519, 521, and 523, and submit four copies to the Office of Environmental Services, Permits Division. Each individual copy of the application shall be a standard three-ring-bound document measuring 8 1/2 by 11 inches. All appendices, references, exhibits, tables, etc., shall be marked with appropriate tabs.

b. Each application for which a standard permit application fee is prescribed shall be accompanied by a remittance in the full amount of the appropriate standard permit application review fee. No application shall be accepted or processed prior to payment of the full amount specified.

c. The completed separate standard permit application for each existing facility shall be submitted to the Office of Environmental Services, Permits Division within 180 days after issuance of the temporary permit.

C. Notices to Parish Governing Authorities. As provided in R.S. 30:2022, upon receipt of a permit application the Office of Environmental Services, Permits Division shall provide written notice on the subject matter to the parish governing authority, who shall promptly notify each parish municipality affected by the application.

D. Permit Application Review and Evaluation

1. LAC 33:VII.Chapters 5, ~~and~~ 7, and 8 establish the evaluation criteria used by the administrative authority.

2. The applicant shall make available to the department the assistance of professional engineers or other trained individuals responsible for the design of the facility to explain the design and operation.

3. The applicant shall furnish all other technical information the department may require to evaluate the standard permit application, monitor the performance of the facility, and insure that the purposes of this program are met.

E. Standard Permit Applications Deemed Unacceptable or Deficient

1. Applications deemed unacceptable for technical review will be

rejected. For the administrative authority to reconsider the application, the applicant must resubmit the entire standard permit application to the Office of Environmental Services, Permits Division, including the review fee, by a reasonable due date set by the administrative authority.

2. Applicants submitting applications ~~which~~that are acceptable for technical review, but lack the information outlined in these regulations, will be informed of such deficiencies. These deficiencies must be corrected by the submission of supplementary information by a reasonable due date set by the administrative authority.

3. The supplementary information as stipulated in Subparagraph E.2 of this Section must address all deficiencies accordingly and/or show a significant progression in the addressing of all outstanding deficiencies, or the application may be denied.

F. Standard Permit Applications Deemed Technically Complete

1. Applications that have been deemed technically complete ~~will~~shall be accepted for public review. When the permit is accepted for public review, the administrative authority ~~will~~shall request an additional ~~five~~six copies, or more if necessary. The copies will be distributed for public review as follows:

- a. one copy to the local parish governing authority;
- b. one copy to the parish public library;
- c. one copy to the appropriate regional office; and
- d. ~~two~~three copies to remain in the department's headquarters

in Baton Rouge.

2. Each copy of the permit application shall be provided as a standard three-ring-bound document (8 1/2 by 11 inches). The application shall incorporate, in the appropriate sections, all required plans, narratives, and revisions made during the review process and shall include appropriate tabbing for all appendices, figures, etc. Permit applications that present revisions made during the review process as a separate supplement to the application will not be accepted.

3. After the ~~five~~six copies are submitted to the Office of Environmental Services, Permits Division, notices ~~will~~shall be placed in the department's bulletin (if one is available), the official journal of the state, and in a major local newspaper of general circulation. The Office of Environmental Services, Permits Division shall publish a notice of acceptance for review one time as a single classified advertisement measuring three columns by five inches in the legal or public notices section of the official journal of the state and one time as a classified advertisement in the legal or public notices section of a major local newspaper of general circulation. If the affected area is Baton Rouge, a single classified advertisement measuring three columns by five inches in the official journal of the state ~~will~~shall be the only public notice required. The notices will solicit comment from interested individuals and groups. Comments received by the administrative authority within 30 days after the date the notice is published in the local newspaper ~~will~~shall be reviewed by the Office of Environmental Services, Permits Division. The notice shall be published in accordance with the sample public notice provided by the Office of Environmental Services, Permits Division. The applicant is responsible for providing the Office of Environmental Services, Permits Division, with proof of publication.

4. ~~Public hearings will be held for all facilities when the~~

~~administrative authority determines, on the basis of comments received and other information, that a hearing is necessary.~~

54. Public Opportunity to Request a Hearing. Any person may, within 30 days after the date of publication of the newspaper notice (~~LAC 33:III.513.F.3~~ Paragraph F.3 of this Section), request that the administrative authority consider whether a public hearing is necessary. If the administrative authority determines that the requests warrant it, a public hearing will be scheduled. If the administrative authority determines that the requests do not raise genuine and pertinent issues, the Office of Environmental Services, Permits Division, ~~will~~shall send the person requesting the hearing written notification of the determination. The request for a hearing must be in writing and must contain the name and affiliation of the person making the request and the comments in support of or in objection to the issuance of a permit.

65. Public Notice of a Public Hearing. If the administrative authority determines that a hearing is necessary, notices ~~will~~shall be published at least 20 days before a fact-finding hearing in the official journal of the state and in a major local newspaper of general circulation. The notice shall be published one time as a single classified advertisement measuring three columns by five inches in the legal or public notices section of the official journal of the state and one time as classified advertisement in the legal or public notices section of a major local newspaper of general circulation. If the affected area is Baton Rouge, a single classified advertisement measuring three columns by five inches in the official journal of the state ~~will~~shall be the only public notice required. Those persons on the Office of Environmental Services, Permits Division's mailing list for hearings shall be mailed notice of the hearing at least 20 days before a public hearing. A notice shall also be published in the departmental bulletin, if available.

76. Receipt of Comments Following a Public Hearing. Comments received by the Office of Environmental Services, Permits Division, until the close of business 30 days after the date of a public hearing ~~will~~shall be reviewed by the Office of Environmental Services, Permits Division.

G. Issuance or Denial of a Permit

1. The administrative authority ~~will~~shall issue a standard permit or ~~will~~shall issue a standard permit application denial, including reasons for the denial.
2. A temporary permit may be issued to allow closure activities to be accomplished at a facility ~~which~~that has been issued a standard permit application denial.

H. Public Notice of Permit Issuance. No later than 10 days following the issuance of a standard permit, the permit holder shall publish a notice of the issuance of the standard permit. This notice shall be published in the official journal of the state and in a major local newspaper of general circulation. The notice shall be published one time as a single classified advertisement measuring three columns by five inches in the legal or public notices section of the official journal of the state, and one time as a classified advertisement in the legal or public notices section of a major local newspaper of general circulation. If the affected area is Baton Rouge, a single classified advertisement measuring three columns by five inches in the official journal of the state ~~will~~shall be the only public notice required. The notice shall be published in accordance with the sample public notice provided by the Office of Environmental Services, Permits Division. The applicant is responsible for providing the Office of Environmental Services, Permits

Division, with proof of publication.

I. As a permit condition, the Department will establish a timeframe for the facility to submit the necessary construction certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2519 (November 2000), amended by the Office of Environmental Assessment, LR 30:2032 (September 2004), LR 31:**.

Subchapter BC. Permit System for Facilities Classified for Upgrade or Closure
§515. Permit Process for Existing Facilities Classified for Closure

A. Closure Plan Review and Evaluation. LAC 33:VII.505403 and ~~LAC 33:VII.Chapters 7 and 8~~ establish the evaluation criteria used by the Office of Environmental Services, Permits Division.

B. Submittal of Closure Plans

1. Permit holders for facilities classified for closure shall submit to the Office of Environmental Services, Permits Division, four bound copies of a closure plan within 60 days after issuance of the temporary permit for the facility. Each individual copy of the plan shall be a standard three-ring-bound document measuring 8 1/2 by 11 inches. All appendices, references, exhibits, tables, etc., shall be marked with appropriate tabs.

2. The following sections of the regulations must be addressed and incorporated in the closure plan for all solid waste processing and disposal facilities. All responses and exhibits must be identified in the following sequence to facilitate the evaluation. All applicable sections of LAC 33:VII.Chapters 5, 7, and 8 must be addressed and incorporated into the closure plan:

- a. LAC 33:VII.519, Permit Application Form, Part I;
- b. a map clearly delineating the location of the facility;
- c. LAC 33:VII.709521.A.102.a and b, Wells and Faults, respectively (only required for Type I and II facilities with on-site closure);
- d. LAC 33:VII.521.CB-1.a, Facility Characteristics;
- e. LAC 33:VII.521.DC-1.d, Facility Surface Hydrology;
- f. LAC 33:VII.5221.AD-1.a-e, Facility Geology (only required for Type I and II facilities that have not undergone clean closurewith on-site closure);
- g. LAC 33:VII.5221.BE-1, Facility Subsurface CharacterizationHydrology (only required for Type I and II facilities that have not undergone cleanwith on-site closure);
- h. LAC 33:VII.522.C, Groundwater Monitoringtypical cross-section and geologic cross-sections showing the water table and the groundwater conditions (only required for Type I and II facilities that have not undergone cleanwith on-site closure);
- i. LAC 33:VII.521.F.5.a-f, Facility Plans and Specifications

~~(only required for Type I and II facilities with on-site closure);~~

~~ij.~~ LAC 33:VII.521.~~EF-6~~, Facility Plans and Specifications
(only required for Type I and II facilities with on-site closure and with a potential to produce gases);

~~jk.~~ types (including chemical and physical characteristics) and sources of waste processed or disposed of at the facility;

~~kl.~~ LAC 33:VII.521.~~IF.1.b and c~~, Facility Closure;

~~lm.~~ LAC 33:VII.521.~~IF.2-3~~, Facility Closure (only required for Type I and II facilities and Type III woodwaste and construction/demolition-debris landfills);

~~mn.~~ LAC 33:VII.521.~~JK.1~~, Facility Post-Closure;

~~no.~~ LAC 33:VII.521.K.2, Facility Post-Closure (only required for Type I and II facilities that have not undergone clean closure);

~~op.~~ the name of the person who currently owns the land;

~~pq.~~ LAC 33:VII.521.~~KL-4~~, Financial Responsibility; and

~~qr.~~ a detailed implementation schedule for closure of the facility with built-in flexibility to coincide with the date of approval of the closure plan.

3. Each closure plan for which a closure fee is prescribed shall be accompanied by a remittance in the full amount of the closure plans review fee. No closure plans shall be accepted or processed prior to payment of the full amount specified.

C. Closure Plans Determined Unacceptable or Deficient

1. Closure plans that are determined unacceptable for a technical review will be rejected. The permit holder ~~shall~~will be required to resubmit the entire application to the Office of Environmental Services, Permits Division, including the review fee, by a date set by the administrative authority.

2. Permit holders submitting closure plans that lack the information contained in ~~Paragraph LAC 33:VII.515-~~ B.2 of this Section and the applicable standards of LAC 33:VII.Chapters 7 and 8 ~~shall~~will be informed of such in a closure plan deficiency letter; these must be corrected by submission of supplementary information within 30 days after receipt of the closure plan deficiency letter.

D. Closure Plans Deemed Technically Complete. Closure plans that have been deemed technically complete ~~shall~~will be approved. Within 30 days after receipt of closure plan approval, the permit holder shall submit to the Office of Environmental Services, Permits Division three copies of the closure plan ~~that~~which incorporate all revisions made during the closure plan review process. Additional copies will be required if deemed necessary by the administrative authority. Each copy shall be provided as a standard three-ring-bound document measuring 8 1/2 by 11 inches, and shall include appropriate tabbing for all appendices, figures, etc. Closure plans must incorporate revisions made during the review process. Closure plans that present revisions made during the review process as a separate supplement to the closure plan shall not be accepted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental

Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2520 (November 2000), amended by the Office of Environmental Assessment, LR 31:**.

§517. ~~Permit~~ Modification of Permits and Other Authorizations to Operate

A. ~~Modification of Permits and Other Authorizations to Operate~~ Requests

~~1. Modification Requests~~

~~1.——a.~~ The permit holder shall notify the Office of Environmental Services, Permits Division, in advance, of any change in a facility or deviation from a permit. Such notification shall detail the proposed modification and shall include an assessment of the effects of the modification on the environment and/or the operation. Modification details shall include, but not be limited to, a summary detailing the modification request and all appropriate drawings, narratives, etc., which shall illustrate and describe the originally permitted representations and the proposed modifications thereto. New language requested in the permit narrative and existing language requested to be deleted from the permit narrative shall be identified therein.

~~a.——i.~~ Initially, ~~four~~six copies of all modification requests shall be provided to the Office of Environmental Services, Permits Division. Each individual copy of the document shall be 8 1/2" by 11" and shall be bound in standard three-ring binder(s). The modification shall incorporate, in the appropriate sections, all required plans, narratives, and revisions made during the review process and shall include appropriate tabbing, if applicable, for all appendices, figures, etc.

~~b.——ii.~~ Each permit-modification request for which a permit-modification review fee is prescribed shall be accompanied by remittance of the fee. No permit modification requests shall be accepted or processed prior to payment in full of the amount specified.

~~2.——b.~~ All notifications of proposed changes in ownership of a permit for a facility are the responsibility of the permittee and shall include the following, to be submitted to the Office of Environmental Services, Permits Division:

~~a.——i.~~ a statement from the proposed permit holder assuming liability for existing violations and conditions;

~~b.——ii.~~ proof of financial responsibility by the proposed permit holder, as required by LAC 33:VII.7271301.A.4 and ~~21303.A~~;and

~~c.——iii.~~ information required in LAC 33:I.1701.

3. All major modification requests shall address the additional supplemental information required pursuant to LAC:33:VII.523 in relation to the proposed permit modification activity.

~~B.——2.~~ Public Notice of Modifications

~~1.——a.~~ Major Modifications Require Public Notice. If not otherwise specified, the administrative authority shall determine whether or not a modification warrants public notice. Modifications to a permit ~~which~~that require public notice include, but are not limited to, the following:

~~a.——i.~~ change in the type(s) of waste to be received at a facility (modified to accept industrial waste);

~~b.——ii.~~ increase in the volume or rate of waste to be

received at a facility;

- ~~c. — iii.~~ physical expansion of the service area;
 - ~~d. — iv.~~ ~~increase~~ ~~change~~ in the capacity of a facility;
 - ~~e. — v.~~ decrease in the personnel or equipment of a facility
- ~~without a reasonable reduction in waste acceptance~~~~changing the volume of waste~~;
- ~~f. — vi.~~ ~~changes~~~~extending in the operating~~ hours or days of operation;
 - ~~g. — vii.~~ ~~change in the type of cover material to be utilized at a facility~~;
 - ~~g. — viii.~~ change to the facility that may have an impact on traffic patterns;
 - ~~h. — ix.~~ reduction in the number of groundwater sampling parameters or the number of groundwater monitoring wells;
 - ~~i. — x.~~ lateral or vertical expansion of the permitted area(s) for waste disposal except for vertical expansion that would result in no net increase of in-place volume; or
 - ~~j. — xi.~~ other changes in the permit that tend to make the permit requirements less stringent.

2. — b. Permit modifications ~~that~~ which require public notice and that have been determined by the Office of Environmental Services, Permits Division to be technically complete will be accepted for public review. When the permit modification is accepted for public review, the ~~permit holder must forward copies of the permit modification~~ administrative authority shall request an additional six copies, or more if necessary. The copies will be distributed for public review as follows:

- ~~a. — i.~~ ~~three~~two copies to the Office of Environmental Services, Permits Division ~~main office in~~ Baton Rouge;
- ~~b. — ii.~~ one copy to the appropriate regional office;
- ~~c. — iii.~~ one copy to the local parish public library; and
- ~~d. — iv.~~ one copy to the local parish governing authority.
- ~~e.~~ ~~The permit holder shall provide the Office of~~

~~Environmental Services, Permits Division with evidence that copies of the permit modification have been forwarded to the local parish governing authority and the parish public library.~~

~~3. — Each copy of the permit modification shall be provided as a standard three-ring bound document (8 1/2 by 11 inches). The modification shall incorporate, in the appropriate sections, all required plans, narratives, and revisions made during the review process and shall include appropriate tabbing, if applicable, for all appendices, figures, etc.~~

4. — d. After distribution of the permit modification, ~~the permit holder is responsible for placing a notice~~ shall be published in the official journal of the state and in the official journal of the parish where the facility is located ~~a major local newspaper of general circulation~~. The notice shall be published one time as a single classified advertisement measuring three columns by five inches in the legal or public notices section of the official journal of the state, ~~and~~ one time as a classified advertisement in the legal or public notices section of the official journal of the parish where the facility is located, a major local newspaper of general circulation and one time

in the department's bulletin. The cost of the publication shall be borne by the applicant. If the affected area is Baton Rouge, a single classified advertisement measuring three columns by five inches in the official journal of the state shall~~will~~ be the only public notice required. The notice shall~~will~~ solicit comments from interested individuals and groups. Comments delivered or received within 30 days after the date the notices are published shall~~will~~ be reviewed by the Office of Environmental Services, Permits Division. The notice shall be published in accordance with a sample public notice provided by the Office of Environmental Services, Permits Division.~~The permit holder is responsible for providing the Office of Environmental Services, Permits Division with proof of publication of the notice.~~

~~5. — e.~~ Mandatory modifications are considered to be enhancements and will require neither public notice nor public hearing.

~~C. — 3.~~ No modification shall~~may~~ be ~~effected~~instituted without the written approval of the administrative authority.

~~D. — 4.~~ Operation of a modified construction feature or unit of a standard permitted facility may commence after the provisions of LAC 33:VII.~~407509.F~~ are met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014.2.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 25:661 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2520 (November 2000), amended by the Office of Environmental Assessment, LR 30:2033 (September 2004), amended LR 31:*.

Subchapter ~~C~~D. Permit Application

§519. Part I: Permit Application Form

~~A.~~ The applicant shall complete a standard permit application Part I Form obtained from the Office of Environmental Services, Permits Division, or through the department's website (LAC 33:VII.3003). The following ~~subsections~~paragraphs refer to the items on the form requiring that information:

~~A.~~ 1. the name of the applicant (prospective permit holder) applying for a standard permit;

~~B.~~ 2. the facility name;

~~C.~~ 3. a description of the location of the facility (identify by street and number or by intersection of roads, or by mileage and direction from an intersection);

~~D.~~ 4. the geographic location (section, township, range, and parish where the facility is located, and the coordinates {as defined by the longitude and latitude to the second} of the centerpoint of the facility);

~~E.~~ 5. the mailing address of the applicant;

~~F.~~ 6. the contact person for the applicant (the position or title of the contact person is acceptable);

~~G.~~ 7. the telephone number of the contact person;

~~H.~~ 8. the type and purpose of the operation (check each applicable box);

~~I.~~ 9. the status of the facility (if leased, state the number of years of the

lease and provide a copy of the lease agreement);

~~J.~~ 10. ~~the~~ operational status of the facility;

~~K.~~ 11. ~~the~~ total site acreage and the amount of acreage that will be used for processing and/or disposal;

~~L.~~ 12. ~~a~~ list of all environmental permits that relate directly to the facility represented in this application;

~~M.~~ a letter attached from the Louisiana Resource Recovery and Development Authority (LRRDA) stating that the operation conforms with the applicable statewide plan;

~~(Note: In accordance with R.S. 30:2307.B, this regulation does not apply to solid waste disposal activity occurring entirely within the boundaries of a plant, industry, or business which generates such solid waste);~~

~~N.~~ 13. ~~the~~ zoning of the facility (if the facility is zoned, note the zone classification and zoning authority, and include a zoning affidavit or other documentation stating that the proposed use does not violate existing land-use requirements);

~~O.~~ 14. ~~the~~ types, maximum quantities (wet tons/week), and sources (percentage of the on-site or off-site-generated waste to be received) of waste to be processed or disposed of by the facility;

~~P.~~ 15. ~~indicate~~ the specific geographic area(s) to be serviced by the solid waste facility;

~~Q.~~ 16. ~~attach~~ proof of publication of the notice regarding the submittal of the permit application as required in LAC 33:VII.5403.A;

~~R.~~ 17. ~~provide~~ the signature, typed name, and title of the individual authorized to sign the application- ~~(provide p~~Proof of the legal authority of the signatory to sign for the applicant)~~- must be provided~~; and

~~S.~~ 18. ~~any~~ additional information required by the administrative authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, LR 31:**.

§520. Compliance Information

A. All applicants for solid waste permits shall comply with the requirements of LAC 33:I.1701.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014.2.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 25:661 (April 1999).

§521. Part II: Supplementary Information, All Processing and Disposal Facilities

A. The following information is required in the permit application for solid waste processing and disposal facilities. All responses and exhibits must be identified in

the following sequence to facilitate the evaluation. Additionally, all applicable sections of LAC 33:VII.Chapter 7 must be addressed and incorporated into the application responses. If a section does not apply, the applicant must state that it does not apply and explain why.

AB. Location Characteristics. Standards pertaining to location characteristics are contained in LAC 33:VII.709.A (Type I and II facilities), LAC 33:VII.717.A (Type I-A and II-A facilities), and LAC 33:719.A (Type III facilities). The following information is required for all facilities:

~~i.~~ The following information on location characteristics is required for all facilities:

~~a.~~ Area Master Plans. A location map showing the facility, road network, major drainage systems, drainage flow patterns, location of closest population center(s), location of the public use airport(s) used by turbojet aircraft or piston type aircraft, proof of notification of affected airport and Federal Aviation Administration as provided in LAC 33:VII.709.A.2, location of the 100-year flood plain, and other pertinent information. The scale of the maps and drawings must be legible, and engineering drawings are required.

~~b.~~ A letter from the appropriate agency or agencies regarding those facilities receiving waste generated off-site, stating that the facility will not have a significant adverse impact on the traffic flow of area roadways and that the construction, maintenance, or proposed upgrading of such roads is adequate to withstand the weight of the vehicles.

~~c.~~ Existing Land Use. A description of the total existing land use within three miles of the facility (by approximate percentage) including, but not limited to:

- ~~i.~~ residential;
- ~~ii.~~ health care facilities and schools;
- ~~iii.~~ agricultural;
- ~~iv.~~ industrial and manufacturing;
- ~~v.~~ other commercial;
- ~~vi.~~ recreational; and
- ~~vii.~~ undeveloped.

~~d.~~ Aerial Photograph. A current aerial photograph, representative of the current land use, of a one-mile radius surrounding the facility. The aerial photograph shall be of sufficient scale to depict all pertinent features. (The administrative authority may waive the requirement for an aerial photograph for Type III facilities.)

~~e.~~ Environmental Characteristics. The following information on environmental characteristics:

~~i.~~ a list of all known historic sites, recreation areas, archaeologic sites, designated wildlife management areas, swamps and marshes, wetlands, habitats for endangered species, and other sensitive ecologic areas within 1,000 feet of the facility perimeter or as otherwise appropriate;

~~ii.~~ documentation from the appropriate state and federal agencies substantiating the historic sites, recreation areas, archaeologic sites, designated wildlife management areas, wetlands, habitats for endangered species, and

~~other sensitive ecologic areas within 1,000 feet of the facility; and~~

~~iii. a description of the measures planned to protect the areas listed from the adverse impact of operation at the facility;~~

~~f. A wetlands demonstration, if applicable, as provided in LAC 33:VII.709.A.4.~~

~~g. Demographic Information. The estimated population density within a three-mile radius of the facility boundary, based on the latest census figures.~~

~~2. The following information regarding wells, faults and utilities is required for Type I and II facilities:~~

~~a. Wells. Map showing the locations of all known or recorded shot holes and seismic lines, private water wells, oil and/or gas wells, operating or abandoned, within the facility and within 2,000 feet of the facility perimeter and the locations of all public water systems, industrial water wells, and irrigation wells within one mile of the facility. A plan shall be provided to prevent adverse effects on the environment from the wells and shot holes located on the facility.~~

~~b. Faults~~

~~i. sealed map showing the locations of all recorded faults within the facility and within one mile of the perimeter of the facility; and~~

~~ii. demonstration, if applicable, of alternative fault set-back distance as provided in LAC 33:VII.709.A.5.~~

~~c. Utilities. Scale map showing the location of all pipelines, power lines, and right-of-ways within the site.~~

- ~~1. area master plans;~~
- ~~2. access facilities;~~
- ~~3. a letter concerning the traffic flow for facilities receiving waste generated off-site;~~
- ~~4. distance to airport runway and proof of notification to affected airport and Federal Aviation Administration;~~
- ~~5. existing land use;~~
- ~~6. aerial photograph;~~
- ~~7. environmental characteristics;~~
- ~~8. wetlands demonstration, if applicable, as provided in LAC 33:VII.709.A.4;~~
- ~~9. demographic information; and~~
- ~~10. information regarding wells, faults, seismic impact zones, unstable areas and utilities, which is required for Type I and II facilities.~~

~~BC. Facility Characteristics. Standards concerning facility characteristics are contained in LAC 33:VII.709.B (Type I and II facilities), LAC 33:VII.717.B (Type I-A and II-A facilities), and LAC 33:VII.719.B (Type III facilities). A facility plan, including drawings and a narrative, describing the information required below must be provided.~~

- ~~1. The following information is required for all facilities:~~
 - ~~a. elements of the process or disposal system employed; including, as applicable, property lines, original contours (shown at not greater than five-foot intervals), buildings, units of the facility, drainage, ditches and roads;~~
 - ~~b. the perimeter barrier and other control measures;~~

- c. a buffer zone;
 - d. fire-protection and medical care measures;
 - e. landscaping and other beautification efforts;
 - f. devices or methods to determine, record, and monitor incoming waste;
 - g. NPDES/LPDES discharge points (existing and proposed); and
 - h. other features, as appropriate.
2. The following information is required for Type I and II facilities:
- a. areas for isolating nonputrescible waste or incinerator ash, and borrow areas; and
 - b. location of leachate collection/treatment/removal system.

CD. Facility Surface Hydrology. Standards governing facility surface hydrology are contained in LAC 33:VII.711.A (Type I and II landfills), LAC 33:VII.713.A (Type I and II surface impoundments), LAC 33:VII.715.A (Type I and II landfarms), LAC 33:VII.717.C. (Type I-A and II-A facilities), and LAC 33:VII.719.C (Type III facilities).

~~1.~~ The following information ~~regarding surface hydrology~~ is required for all facilities:

- ~~1.~~ ~~a.~~ a description of the method to be used to prevent surface drainage through the operating areas of the facility;
- ~~2.~~ ~~b.~~ a description of the facility runoff/run-on collection system;
- ~~3.~~ ~~c.~~ the ~~maximum~~-rainfall amount from a 24-hour/25-year storm event;
- ~~4.~~ ~~d.~~ the location of aquifer recharge areas in the site or within 1,000 feet of the site perimeter, along with a description of the measures planned to protect those areas from the adverse impact of operations at the facility; and
- ~~5.~~ ~~e.~~ if the facility is located in a flood plain, a plan to ensure that the facility does not restrict the flow of the 100-year base flood or significantly reduce the temporary water-storage capacity of the flood plain, and documentation indicating that the design of the facility is such that the flooding does not affect the integrity of the facility or result in the washout of solid waste.

D. Facility Geology. Standards governing facility geology are contained in LAC 33:VII.709.C (Type I and II facilities), LAC 33:VII.717.D (Type I-A and II-A facilities), and LAC 33:VII.719.D (Type III facilities).

~~1.~~ The following information regarding geology is required for Type I and Type II facilities:

- ~~a.~~ isometric profile and cross-sections of soils, by type, thickness, and permeability;
- ~~b.~~ logs of all known soil borings taken on the facility and a description of the methods used to seal abandoned soil borings;
- ~~c.~~ results of tests for classifying soils (moisture contents, Atterberg limits, gradation, etc.), measuring soil strength, and determining the coefficients of permeability, and other applicable geotechnical tests;
- ~~d.~~ geologic cross-section from available published information depicting the stratigraphy to a depth of at least 200 feet below the ground

surface;

e. for faults mapped as existing through the facility, verification of their presence by geophysical mapping or stratigraphic correlation of boring logs. If the plane of the fault is verified within the facility's boundaries, a discussion of measures that will be taken to mitigate adverse effects on the facility and the environment;

f. for a facility located in a seismic impact zone, a report with calculations demonstrating that the facility will be designed and operated so that it can withstand the stresses caused by the maximum ground motion, as provided in LAC 33:VII.709.C.2; and

g. for a facility located in an unstable area, a demonstration of facility design as provided in LAC 33:VII.709.C.3.

2. The following information regarding geology is required by Type III woodwaste, and construction/demolition debris facilities:

a. general description of the soils provided by a qualified professional (a geotechnical engineer, soil scientist, or geologist) along with a description of the method used to determine soil characteristics; and

b. logs of all known soil borings taken on the facility and a description of the methods used to seal abandoned soil borings.

E. Facility Subsurface Hydrology. Standards governing facility subsurface hydrology are contained in LAC 33:VII.715.A (Type I and II landfarms).

1. The following information on subsurface hydrology is required for all Type I facilities and Type II landfills and surface impoundments:

a. delineation of the following information for the water table and all permeable zones from the ground surface to a depth of at least 30 feet below the base of excavation:

i. areal extent beneath the facility;

ii. thickness and depth of the permeable zones and

fluctuations;

iii. direction(s) and rate(s) of groundwater flow based on information obtained from piezometers and shown on potentiometric maps; and

iv. any change in groundwater flow direction anticipated to result from any facility activities;

b. delineation of the following, from all available information, for all recognized aquifers which have their upper surfaces within 200 feet of the ground surface:

i. areal extent;

ii. thickness and depth to the upper surface;

iii. any interconnection of aquifers; and

iv. direction(s) and rate(s) of groundwater flow shown

on potentiometric maps.

2. The following information on subsurface hydrology is required for Type II landfarms. Delineation of the following information for the water table and all permeable zones from the ground surface to a depth of at least 30 feet below the zone of incorporation:

a. areal extent beneath the facility;

- b. ~~thickness and depth of the permeable zones and fluctuations;~~
- c. ~~direction(s) and rate (s) of groundwater flow based on information obtained from piezometers and shown on potentiometric maps); and~~
- d. ~~any change in groundwater flow direction anticipated to result from any facilities activities.~~

~~FE.~~ Facility Plans and Specifications. Standards governing facility plans and specifications are contained in LAC 33:VII.711.B (Type I and II landfills), LAC 33:VII.713.B (Type I and II surface impoundments), LAC 33:VII.715.B (Type I and II landfills), LAC 33:VII.717.E (Type I-A and II-A facilities), LAC 33:VII.721.A (Type III construction and demolition debris and woodwaste landfills), LAC 33:VII.723.A (Type III composting facilities), and LAC 33:VII.725.A (Type III separation and woodwaste processing facilities). ~~Standards for groundwater monitoring are contained in LAC 33:VII.709.E (Type I and II facilities).~~

1. Certification. The person who prepared the permit application must provide the following certification:

"I certify under penalty of law that I have personally examined and I am familiar with the information submitted in this permit application and that the facility as described in this permit application meets the requirements of the solid waste rules and regulations. I am aware that there are significant penalties for knowingly submitting false information, including the possibility of fine and imprisonment."

2. The following information ~~on plans and specifications~~ is required for Type I and II facilities:

- a. detailed plan-view drawing(s) showing original contours, proposed elevations of the base of units prior to installation of the liner system, and boring locations proposed final contours (e.g., maximum height);
- b. detailed drawings of slopes, levees, and other pertinent features; ~~and~~
- c. the type of material and its source for levee construction. Calculations shall be performed to indicate the submitted demonstrating that an adequate volume of material is available for the required for levee construction.
- d. representative cross sections showing original and final grades, drainage, the water table, groundwater conditions, the location and type of liner, and other pertinent information;
- e. a description of the liner system, which shall include calculations of anticipated leachate volumes, rationales for particular designs of such systems, and drawings; and
- f. a description of the leachate collection and removal system, which shall include calculations of anticipated leachate volumes, rationales for particular designs of such systems, and drawings.

3. The following information ~~on plans and specifications~~ is required for Type I, II, and III landfills:

- a. approximate dimensions of daily fill and cover; and
- b. the type of cover material and its source for daily, interim, and final cover. Calculations shall be performed to indicate the submitted demonstrating that an adequate volume of material required is available for daily, interim, and final

cover.

4. ~~The following information on plans and specifications for the prevention of groundwater contamination must be submitted for Type I and II facilities:~~

- ~~a. representative cross sections and geologic cross sections showing original and final grades, approximate dimensions of daily fill and cover, drainage, the water table, groundwater conditions, the location and type of liner, and other pertinent information;~~
- ~~b. a description of the liner system, which shall include: calculations of anticipated leachate volumes, rationale for particular designs of such systems, and drawings; and~~
- ~~c. a description of the leachate collection and removal system, which shall include calculations of anticipated leachate volumes, rationale for particular designs of such systems, and drawings.~~

5. ~~The following information on plans and specifications for groundwater monitoring must be provided for Type I and II facilities:~~

- ~~a. a minimum of three piezometers or monitoring wells in the same zone must be provided in order to determine groundwater flow direction;~~
- ~~b. for groundwater monitoring wells, cross sections illustrating construction of wells, a scaled map indicating well locations and the relevant point of compliance, and pertinent data on each well, presented in tabular form, including drilled depth, the depth to which the well is cased, screen interval, slot size, elevations of the top and bottom of the screen, casing size, type of grout, ground surface elevation, etc.;~~
- ~~c. a groundwater monitoring program including a sampling and analysis plan that includes consistent sampling and analysis procedures that ensure that monitoring results provide reliable indications of groundwater quality;~~
- ~~d. for an existing facility, all data on samples taken from monitoring wells in place at the time of the permit application must be included. (If this data exists in the department records, the administrative authority may allow references to the data in the permit application.) For an existing facility with no wells, groundwater data shall be submitted within 90 days after the installation of monitoring wells. For a new facility, groundwater data (one sampling event) shall be submitted before waste is accepted;~~
- ~~e. a plan for detecting, reporting, and verifying changes in groundwater; and~~
- ~~f. the method for plugging and abandonment of groundwater monitoring systems.~~

65. ~~The facility plans and specifications for Type I and II landfills and surface impoundments (surface impoundments with on-site closure and a potential to produce gases) must provide a gas collection and treatment or removal system.~~

~~6F.~~ Facility Administrative Procedures. Standards governing facility administrative procedures are contained in LAC 33:VII.711.C (Type I and II landfills), LAC 33:VII.713.C (Type I and II surface impoundments), LAC 33:VII.715.C (Type I and II landfarms), LAC 33:VII.717.F (Type I-A and II-A facilities), LAC 33:VII.721.B (Type III construction and demolition debris and woodwaste landfills), LAC 33:VII.723.B (Type III composting facilities), and LAC 33:VII.725.B (Type III separation and woodwaste processing facilities).

1. The following information on administrative procedures is required for all facilities:
 - a. recordkeeping system; types of records to be kept; and the use of records by management to control operations as required;
 - b. an estimate of the minimum personnel, listed by general job classification, required to operate the facility; ~~and~~
 - c. maximum days of operation per week and per facility operating day (maximum hours of operation within a 24-hour period); and
 - d. an annual report submitted to the administrative authority.
2. ~~Administrative procedures for~~ Type II facilities shall include the number of certified facility operators determined ~~certified~~ by the Louisiana Solid Waste Operator Certification and Training Program Board (R.S. 37:3151 et seq. and LAC 46:XXIII) and the department.

~~HG.~~ Facility Operational Plans. Standards governing facility operational plans are contained in LAC 33:VII.711.D (Type I and II landfills), LAC 33:VII.713.D (Type I and II surface impoundments), LAC 33:VII.715.D (Type I and II landfarms), LAC 33:VII.717.G (Type I-A and II-A facilities), LAC 33:VII.721.C (Type III construction and demolition debris and woodwaste landfills), LAC 33:VII.723.C (Type III composting facilities), and LAC 33:VII.725.C (Type III separation and woodwaste processing facilities).

1. The following information ~~on operational plans~~ is required for all facilities:
 - a. types of waste (including chemical, physical, and biological characteristics of industrial wastes generated on-site), maximum quantities of wastes per year, and sources of waste to be processed or disposed of at the facility;
 - b. waste-handling procedures from entry to final disposition, which could include shipment of recovered materials to a user;
 - c. minimum equipment to be furnished at the facility;
 - d. plan to segregate wastes, if applicable;
 - e. procedures planned in case of breakdowns, inclement weather, and other abnormal conditions (including detailed plans for wet-weather access and operations);
 - f. procedures, equipment, and contingency plans for protecting employees and the general public from accidents, fires, explosions, etc., and provisions for emergency care should an accident occur (including proximity to a hospital, fire and emergency services, and training programs); and
 - g. provisions for controlling vectors, dust, litter, and odors.

2. The following information ~~on operational plans~~ is required for Type I and II facilities:
 - a. a comprehensive operational plan describing the total operation, including (but not limited to) inspection of incoming waste to ensure that only permitted wastes are accepted (Type II landfills must provide a plan for random inspection of incoming waste loads to ensure that hazardous wastes or regulated PCB wastes are not disposed of in the facility.); traffic control; support facilities; equipment operation; personnel involvement; and day-to-day activities. A quality-assurance/quality-control [QA/QC] plan shall be provided for facilities receiving industrial waste;

domestic-sewage sludge; incinerator ash; friable asbestos; nonhazardous petroleum-contaminated media; and debris generated from underground storage tanks [UST], corrective action, or other special wastes as determined by the administrative authority. The QA/QC plan shall include (but shall not be limited to) the necessary methodologies; analytical personnel; preacceptance and delivery restrictions; and appropriate responsibilities of the generator, transporter, processor, and disposer. The QA/QC plan shall ensure that only permitted, nonhazardous wastes are accepted;

- b. salvaging procedures and control, if applicable; ~~and~~
- c. scavenging control; and
- d. a comprehensive air monitoring plan for facilities receiving waste with a potential to produce gases.

3. The following information ~~on operational plans~~ is required for Type I and II landfarms:

- a. ~~Items to be submitted regardless of land use include:~~
 - i. a detailed analysis of waste, including (but not limited to) pH, phosphorus, nitrogen, potassium, sodium, calcium, magnesium, sodium-adsorption ratio, and total metals (as listed in LAC 33:VII.715.D.3.b);
 - ii. soil classification, cation-exchange capacity, organic matter, content in soil, soil pH, nitrogen, phosphorus, metals (as listed in LAC 33:VII.715.D.3.b), salts, sodium, calcium, magnesium, sodium-adsorption ratio, and PCB concentrations of the treatment zone;
 - iii. annual application rate (dry tons per acre) and weekly hydraulic loading (inches per acre); and
 - iv. an evaluation of the potential for nitrogen to enter the groundwater;
- b. ~~Items to be submitted in order for landfarms to be used for food-chain cropland include:~~
 - i. a description of the pathogen-reduction method for septage, domestic sewage sludges, and other sludges subject to pathogen production;
 - ii. crops to be grown and the dates for planting;
 - iii. PCB concentrations in waste;
 - iv. annual application rates of cadmium and PCBs; and
 - v. cumulative applications of cadmium and PCBs;
- c. ~~Items to be submitted for landfarms to be used for nonfood-chain purposes include:~~
 - i. a description of the pathogen-reduction method in septage, domestic sewage sludges, and other sludges subject to pathogen production; and
 - ii. a description of control of public and livestock access.

4. The following information ~~on operational plans~~ is required for Type I-A and II-A incinerator waste-handling facilities and refuse-derived energy facilities:

- a. a description of the method used to handle process waters and other water discharges which are subject to NPDES/LPDES permit and state water discharge permit requirements and regulations; and
- b. a plan for the disposal and periodic testing of ash (~~a~~All ash

and residue must be disposed of in a permitted facility.).

5. The following information ~~on operational plans~~ is required for Type I-A and II-A refuse-derived fuel facilities and Type III separation and composting facilities:

- a. a description of the testing to be performed on the fuel or compost; and
- b. a description of the uses for and the types of fuel/compost to be produced.

6. ~~The operational plans for~~ Type I-A and II-A refuse-derived fuel facilities and Type III separation and composting facilities must include a description of marketing procedures and control.

7. ~~The operational plans for Type I and II facilities receiving waste with a potential to produce gases must include a comprehensive air monitoring plan.~~

~~III.~~ Implementation Plan. ~~Standards governing implementation plans are contained in~~ All facilities shall have implementation plans in accordance with standards in LAC 33:VII.709.D (Type I and II facilities), LAC 33:VII.717.H (Type I-A and II-A facilities), and LAC 33:VII.719.E (Type III facilities).

- 1. ~~The implementation plans for all facilities must include the following:~~
 - a. ~~a construction schedule for existing facilities which shall include beginning and ending time frames and time frames for the installation of all major features such as monitoring wells and liners. (Time frames must be specified in days, with day one being the date of standard permit issuance); and~~
 - b. ~~details on phased implementation if any proposed facility is to be constructed in phases.~~

2. ~~The implementation plans for Type I and II facilities must include a plan for closing and upgrading existing operating areas if the application is for expansion of a facility or construction of a replacement facility.~~

~~II.~~ Facility Closure. Standards governing facility closure are contained in LAC 33:VII.711.E (Type I and II landfills), LAC 33:VII.713.E (Type I and II surface impoundments), LAC 33:VII.715.E (Type I and II landfarms), LAC 33:VII.717.I (Type I-A and II-A facilities), LAC 33:VII.721.D (construction and demolition debris and woodwaste landfills), LAC 33:VII.723.~~DE~~ (Type III composting facilities), and LAC 33:VII.725.D (Type III separation and woodwaste processing facilities).

- 1. The closure plan for all facilities must include the following:
 - a. the date of final closure;
 - b. the method to be used and steps necessary for closing the facility; and
 - c. ~~the estimated~~ an itemized cost of closure of the facility, based on the cost of hiring a third party to close the facility at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive.

2. The closure plan for Type I and II landfills and surface impoundments must include:

- a. a description of the final cover and the methods and procedures used to install the cover;

- b. an estimate of the largest area of the facility ever requiring a final cover at any time during the active life;
- c. an estimate of the maximum inventory of solid waste ever on-site over the active life of the facility; and
- d. a schedule for completing all activities necessary for closure.

3. The closure plan for all Type I and II facilities and Type III woodwaste and construction/demolition debris facilities shall include the following:

- a. the sequence of final closure of each unit of the facility, as applicable;
- b. a drawing showing final contours of the facility; and
- c. a copy of the document that will be filed upon closure of the facility with the official parish recordkeeper indicating the location and use of the property for solid waste disposal, unless the closure plan specifies a clean closure.

~~K.J.~~ K.I. Facility Post-Closure. Standards governing post-closure requirements are contained in LAC 33:VII.711.F (Type I and II landfills), LAC 33:VII.713.F (Type I and II surface impoundments), LAC 33:VII.715.F (Type I and II landfarms), and LAC 33:VII.721.E (Type III construction and demolition debris and woodwaste landfills).

- 1. The post-closure plan for all facilities must include the following:
 - a. ~~specification and discussion~~ of the long-term use of the facility after closure, as anticipated; and
 - b. ~~an itemized~~ the cost of conducting post-closure of the facility, based on the estimated cost of hiring a third party to conduct post-closure activities in accordance with the closure plan.

2. The post-closure plan for Type I and II facilities must include the following:

- a. the method for conducting post-closure activities, including a description of the monitoring and maintenance activities and the frequency at which they will be performed;
- b. the method for abandonment of monitoring systems, leachate collection systems, gas-collection systems, etc.;
- c. measures planned to ensure public safety, including access control and gas control; and
- d. a description of the planned uses of the facility during the post-closure period.

~~L.K.~~ L.K. Financial Responsibility. Standards governing financial responsibility are contained in LAC 33:VII.727~~Chapter 13~~. A section documenting financial responsibility according to LAC 33:VII.727~~Chapter 13~~ ~~which that~~ contains the following information; must be included for all facilities:

- 1. the name and address of the person who currently owns the land and the name and address of the person who will own the land if the standard permit is granted (if different from the permit holder, provide a copy of the lease or document which evidences the permit holder's authority to occupy the property); or
- 2. the name of the agency or other public body that is requesting the standard permit; or, if the agency is a public corporation, its published annual report; or, if otherwise, the names of the principal owners, stockholders, general partners, or

officers;

3. evidence of liability coverage, including:
 - a. personal injury, employees, and the public (coverage, carriers, and any exclusions or limitations);
 - b. property damage (coverage and carrier);
 - c. environmental risks; and
4. evidence of a financial assurance mechanism for closure and/or post-closure care and corrective action for known releases when needed.

L. Solid Waste Fees. Standards governing solid waste fees are contained in LAC 33:VII.Chapter 15. A section documenting compliance with applicable fees according to LAC 33:VII.Chapter 15 must be included for all facilities.

M. Special Requirements. The administrative authority may require additional information for special processes or systems and for supplementary environmental analysis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 19:1143 (September 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2521 (November 2000), amended by the Office of Environmental Assessment, LR 31:**.

§522. General Facility Geology, Subsurface Characterization, and Facility Groundwater Monitoring

A. General Facility Geology. Standards governing facility geology are contained in LAC 33:vii.801. The following information is required for Type I, Type I-A, Type II, Type II-A, and Type III facilities:

1. a demonstration that the person who characterized the subsurface soil and groundwater conditions at the facility is qualified;
2. a demonstration that the facility has natural soils of low permeability as provided in LAC 33:VII.801.A.2; and
3. a design for surfacing natural soils that do not meet the low permeability standard as provided in LAC 33:801.A.3.

B. Subsurface Characterization. Standards governing subsurface characterization are contained in LAC 33:VII.803.

1. Type I, II, and III facilities must demonstrate that the facility meets the boring requirements provided in LAC 33:VII.803.A.
2. Type I and II facilities must demonstrate that:
 - a. the facility meets the piezometer requirements as provided in LAC 33:VII.803.B; and
 - b. the facility meets the geology and underground flow characterization requirements provided in LAC 33:VII.803.C.

C. Facility Groundwater Monitoring. Standards governing facility groundwater monitoring are contained in LAC 33:VII.805. The following information is required for Type I and II facilities:

1. a designation of each zone that will be monitored;
2. a map for each groundwater monitoring zone that depicts the locations of all monitoring wells (including any proposed monitoring wells) that are screened in a particular zone and each zone's relevant point of compliance, along with information that demonstrates that monitoring wells meet the standards in LAC 33:VII.805.A.1 and 2. If monitoring wells are being proposed, the response to this requirement shall provide an implementation schedule for submitting a revised well location map showing all existing monitoring wells that are screened in each particular zone;
3. a geologic cross section along the perimeter of the facility showing screen intervals for existing and proposed monitoring wells, along with other applicable information required in LAC 33:VII.803.C.2.a. If monitoring wells are being proposed, the response to this requirement shall include an implementation schedule for revising applicable geologic cross sections to include the screen interval of the newly installed monitoring wells and other applicable information required in LAC 33:VII.803.C.2.a;
4. a designation of each monitoring well (including any proposed monitoring wells) as either background or down gradient, for each zone that will be monitored;
5. a table displaying pertinent well construction details for each monitoring well, including the elevation of the reference point for measuring water levels (msl), the elevation of the ground surface (msl), the drilled depth (feet), the depth to which the well is cased (feet), the depth to the top and bottom of the bentonite seal (feet), the depth to the top and bottom of the screen (feet), the slot size, the casing size, and the type of grout; and as-built diagrams (cross sections) of each well providing the aforementioned well construction details. If monitoring wells are being proposed, the response to this requirement shall provide an implementation schedule for submitting the information specified in this requirement;
6. a demonstration that the monitoring wells are constructed according to the standards in LAC 33:VII.805.A.3. If monitoring wells are being proposed, the response to this requirement shall provide an implementation schedule for submitting the information specified in this requirement;
7. for an existing facility, all data on samples taken from monitoring wells in place at the time of the permit application. If this data exists in the department records, the administrative authority may allow references to the data in the permit application. For an existing facility with no wells, groundwater data shall be submitted within 90 days after the installation of monitoring wells. For a new facility, groundwater data (one sampling event) shall be submitted before waste is accepted;
8. a sampling and analysis plan that meets the standards in LAC 33:VII.805.B and includes a table that specifies each parameter, analytical method, practical quantitation limit, and Chemical Abstracts Service registry number (CAS RN); and
9. a plan for detecting, reporting, and verifying changes in groundwater.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:**.

§523. Part III: Additional Supplementary Information

A. The following supplementary information is required for all solid waste processing and disposal facilities. All responses and exhibits must be identified in the following sequence to facilitate the evaluation:

A. 1. a discussion demonstrating that the potential and real adverse environmental effects of the facility have been avoided to the maximum extent possible;

B. 2. a cost-benefit analysis demonstrating that the social and economic benefits of the facility outweigh the environmental-impact costs;

C. 3. a discussion and description of possible alternative projects ~~which~~that would offer more protection to the environment without unduly curtailing nonenvironmental benefits;

D. 4. a discussion of possible alternative sites that would offer more protection to the environment without unduly curtailing nonenvironmental benefits; and

E. 5. a discussion and description of the mitigating measures which would offer more protection to the environment than the facility, as proposed, without unduly curtailing nonenvironmental benefits.

B. An application for renewal or extension of existing permits shall not be subject to submittal of the additional supplementary information as provided in 523.A., unless said renewal or extension encompasses changes that need to be addressed as major applications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Waste Services, Solid Waste Division, LR 23:1685 (December 1997), amended by the Office of Environmental Assessment, LR 31:**.

Subchapter D. Solid Waste Fees

§525. Standard Permit Application Review Fee

A. Applicants for Type I, I-A, II, and II-A standard permits shall pay a \$3,300 permit application review fee for each facility. The fee shall accompany each permit application submitted.

B. Applicants for Type III standard permits or beneficial-use permits shall pay a permit application review fee of \$660 for each facility. The fee shall accompany each permit application submitted.

C. Permit holders providing permit modifications for Type I, I-A, II, and II-A facilities shall pay a \$1,320 permit-modification review fee. The fee shall accompany each modification submitted. Permit holders providing mandatory modifications in response to these regulations shall pay a \$660 permit-modification fee. The fee shall

accompany each mandatory modification submitted. Permit modifications required by LAC 33:VII.709.E.1 will not be subject to a permit modification fee.

D. Permit holders providing permit modifications for Type III facilities or beneficial use facilities shall pay a \$330 permit-modification review fee. The fee shall accompany each modification submitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:688 (May 2003), LR 29:2051 (October 2003).